

112TH CONGRESS
2^D SESSION

H. R. 4310

IN THE SENATE OF THE UNITED STATES

JUNE 19, 2012

Received; read twice and referred to the Committee on Armed Services

AN ACT

To authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Defense Au-
 5 thorization Act for Fiscal Year 2013”.

6 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF**
 7 **CONTENTS.**

8 (a) DIVISIONS.—This Act is organized into four divi-
 9 sions as follows:

10 (1) Division A—Department of Defense Au-
 11 thorizations.

12 (2) Division B—Military Construction Author-
 13 izations.

14 (3) Division C—Department of Energy Na-
 15 tional Security Authorizations and Other Authoriza-
 16 tions.

17 (4) Division D—Funding Tables.

18 (b) TABLE OF CONTENTS.—The table of contents for
 19 this Act is as follows:

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Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees.

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- Sec. 1612. Role of the Directors of Small Business Programs in requirements development and acquisition decision processes of the Department of Defense.
- Sec. 1613. Small Business Advocate for defense audit agencies.
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- Sec. 1684. Annual report on suspensions and debarments proposed by Small Business Administration.

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Sec. 1693a. Program to provide Federal contracts to early stage small businesses.

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DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

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Sec. 2103. Authorization of appropriations, Army.

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Sec. 2106. Extension of authorizations of certain fiscal year 2010 projects.

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TITLE XXII—NAVY MILITARY CONSTRUCTION

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Sec. 2202. Family housing.

Sec. 2203. Improvements to military family housing units.

Sec. 2204. Authorization of appropriations, Navy.

Sec. 2205. Modification of authority to carry out certain fiscal year 2012 project.

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TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

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- Sec. 2712. Air Armament Center, Eglin Air Force Base.
- Sec. 2713. Prohibition on conducting additional Base Realignment and Closure (BRAC) round.
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- Sec. 2804. Treatment of certain defense nuclear facility construction projects as military construction projects.
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- Sec. 2811. Authority of military museums to accept gifts and services and to enter into leases and cooperative agreements.
- Sec. 2812. Clarification of parties with whom Department of Defense may conduct exchanges of real property at certain military installations.
- Sec. 2813. Indemnification of transferees of property at any closed military installation.
- Sec. 2814. Identification requirement for entry on military installations.
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Subtitle C—Energy Security

- Sec. 2821. Congressional notification for contracts for the provision and operation of energy production facilities authorized to be located on real property under the jurisdiction of a military department.

- Sec. 2822. Continuation of limitation on use of funds for Leadership in Energy and Environmental Design (LEED) gold or platinum certification and expansion to include implementation of ASHRAE building standard 189.1.
- Sec. 2823. Availability and use of Department of Defense energy cost savings to promote energy security.
- Sec. 2824. Definition of renewable energy source for Department of Defense energy security.

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- Sec. 2842. Modification of financing authority, Broadway Complex of the Department of the Navy, San Diego, California.
- Sec. 2843. Land conveyance, John Kunkel Army Reserve Center, Warren, Ohio.
- Sec. 2844. Land conveyance, Castner Range, Fort Bliss, Texas.
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- Sec. 2846. Transfer of administrative jurisdiction, Fort Lee Military Reservation and Petersburg National Battlefield, Virginia.

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- Sec. 2861. Inclusion of religious symbols as part of military memorials.
- Sec. 2862. Redesignation of the Center for Hemispheric Defense Studies as the William J. Perry Center for Hemispheric Defense Studies.
- Sec. 2863. Sense of Congress regarding establishment of military divers memorial at Washington Navy Yard.
- Sec. 2864. Gold Star Mothers National Monument, Arlington National Cemetery.
- Sec. 2865. Naming of training and support complex, Fort Bragg, North Carolina.
- Sec. 2866. Naming of electrochemistry engineering facility, Naval Support Activity Crane, Crane, Indiana.
- Sec. 2867. Retention of core functions of the Electronic Systems Center at Hanscom Air Force Base, Massachusetts.
- Sec. 2868. Retention of core functions of the Air Force Materiel Command, Wright-Patterson Air Force Base, Ohio.
- Sec. 2869. Massachusetts Institute of Technology—Lincoln Laboratory improvement project.
- Sec. 2870. Limitation on availability of funds pending report regarding acquisition of land and development of a training range facility adjacent to the Marine Corps Ground Air Combat Center Twenty Nine Palms, California.
- Sec. 2871. Retention of core functions of the Air Traffic Control Station, Johnstown Air National Guard Base, Pennsylvania.

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TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION

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 Sec. 3116. Design and use of prototypes of nuclear weapons.
 Sec. 3117. Improvement and streamlining of the missions and operations of the Department of Energy and National Nuclear Security Administration.
 Sec. 3118. Cost-benefit analyses for competition of management and operating contracts.
 Sec. 3119. Limitation on availability of funds for Inertial Confinement Fusion Ignition and High Yield Campaign.
 Sec. 3120. Limitation on availability of funds for Global Security through Science Partnerships Program.
 Sec. 3121. Limitation on availability of funds for Center of Excellence on Nuclear Security.
 Sec. 3122. Two-year extension of schedule for disposition of weapons-usable plutonium at Savannah River Site, Aiken, South Carolina.
 Sec. 3123. Limitation on availability of funds for nuclear nonproliferation activities with Russian Federation.

Subtitle C—Improvements to National Security Energy Laws

Sec. 3131. Improvements to the Atomic Energy Defense Act.
 Sec. 3132. Improvements to the National Nuclear Security Administration Act.
 Sec. 3133. Clarification of the role of the Administrator for Nuclear Security.
 Sec. 3134. Consolidated reporting requirements relating to nuclear stockpile stewardship, management, and infrastructure.
 Sec. 3135. Repeal of certain reporting requirements.

Subtitle D—Reports

- Sec. 3141. Notification of nuclear criticality and non-nuclear incidents.
- Sec. 3142. Reports on lifetime extension programs.
- Sec. 3143. National Academy of Sciences study on peer review and design competition related to nuclear weapons.
- Sec. 3144. Report on defense nuclear nonproliferation programs.
- Sec. 3145. Study on reuse of plutonium pits.
- Sec. 3146. Study on a multi-agency governance model for national security laboratories.

Subtitle E—Other Matters

- Sec. 3151. Use of probabilistic risk assessment to ensure nuclear safety.
- Sec. 3152. Advice to President and Congress regarding safety, security, and reliability of United States nuclear weapons stockpile and nuclear forces.
- Sec. 3153. Classification of certain restricted data.
- Sec. 3154. Independent cost assessments for life extension programs, new nuclear facilities, and other matters.
- Sec. 3155. Assessment of nuclear weapon pit production requirement.
- Sec. 3156. Intellectual property related to uranium enrichment.
- Sec. 3157. Sense of Congress on competition and fees related to the management and operating contracts of the nuclear security enterprise.
- Sec. 3158. Pilot program on technology commercialization.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Authorization.
- Sec. 3202. Improvements to the Defense Nuclear Facilities Safety Board.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

- Sec. 3401. Authorization of appropriations.

TITLE XXXV—MARITIME ADMINISTRATION

- Sec. 3501. Authorization of appropriations for national security aspects of the merchant marine for fiscal year 2013.
- Sec. 3502. Application of the Federal acquisition regulation.
- Sec. 3503. Limitation of National Defense Reserve Fleet vessels to those over 1,500 gross tons.
- Sec. 3504. Donation of excess fuel to maritime academies.
- Sec. 3505. Clarification of heading.
- Sec. 3506. Transfer of vessels to the National Defense Reserve Fleet.
- Sec. 3507. Amendments relating to the National Defense Reserve Fleet.
- Sec. 3508. Extension of Maritime Security Fleet program.
- Sec. 3509. Identification of actions to enable qualified United States flag capacity to meet national defense requirements.
- Sec. 3510. Department of Defense national strategic ports study and Comptroller General studies and reports on strategic ports.

DIVISION D—FUNDING TABLES

- Sec. 4001. Authorization of amounts in funding tables.

TITLE XLI—PROCUREMENT

- Sec. 4101. PROCUREMENT.

Sec. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Sec. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.

TITLE XLIII—OPERATION AND MAINTENANCE

Sec. 4301. OPERATION AND MAINTENANCE.

Sec. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.

TITLE XLIV—MILITARY PERSONNEL

Sec. 4401. MILITARY PERSONNEL.

Sec. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS.

TITLE XLV—OTHER AUTHORIZATIONS

Sec. 4501. OTHER AUTHORIZATIONS.

Sec. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.

TITLE XLVI—MILITARY CONSTRUCTION

Sec. 4601. MILITARY CONSTRUCTION.

Sec. 4602. OVERSEAS CONTINGENCY OPERATIONS.

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Sec. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

2 In this Act, the term “congressional defense commit-
3 tees” has the meaning given that term in section
4 101(a)(16) of title 10, United States Code.

1 **DIVISION A—DEPARTMENT OF**
2 **DEFENSE AUTHORIZATIONS**
3 **TITLE I—PROCUREMENT**
4 **Subtitle A—Authorization of**
5 **Appropriations**

6 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

7 Funds are hereby authorized to be appropriated for
8 fiscal year 2013 for procurement for the Army, the Navy
9 and the Marine Corps, the Air Force, and Defense-wide
10 activities, as specified in the funding table in section 4101.

11 **Subtitle B—Army Programs**

12 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR**
13 **ARMY CH-47 HELICOPTERS.**

14 (a) **AUTHORITY FOR MULTIYEAR PROCUREMENT.—**
15 In accordance with section 2306b of title 10, United
16 States Code, the Secretary of the Army may enter into
17 a multiyear contract, beginning with the fiscal year 2013
18 program year, for the procurement of airframes for CH-
19 47F helicopters.

20 (b) **CONDITION FOR OUT-YEAR CONTRACT PAY-**
21 **MENTS.—**A contract entered into under subsection (a)
22 shall provide that any obligation of the United States to
23 make a payment under the contract for a fiscal year after
24 fiscal year 2013 is subject to the availability of appropria-
25 tions for that purpose for such later fiscal year.

1 **SEC. 112. REPORTS ON AIRLIFT REQUIREMENTS OF THE**
2 **ARMY.**

3 (a) REPORTS.—Not later than October 31, 2012, and
4 each year thereafter through 2017, the Secretary of the
5 Army shall submit to the congressional defense commit-
6 tees a report on the time-sensitive or mission-critical airlift
7 requirements of the Army.

8 (b) MATTERS INCLUDED.—The reports under sub-
9 section (a) shall include, with respect to the fiscal year
10 before the fiscal year in which the report is submitted,
11 the following information:

12 (1) The total number of time-sensitive or mis-
13 sion-critical airlift movements required for training,
14 steady-state, and contingency operations.

15 (2) The total number of time-sensitive or mis-
16 sion-critical airlift sorties executed for training,
17 steady-state, and contingency operations.

18 (3) Of the total number of sorties listed under
19 paragraph (2), the number of such sorties that were
20 operated using each of—

21 (A) aircraft of the Army;

22 (B) aircraft of the Air Force; and

23 (C) aircraft of contractors.

24 (4) For each sortie described under subpara-
25 graph (A) or (C) of paragraph (3), an explanation

1 for why the Secretary did not use aircraft of the Air
2 Force to support the mission.

3 **Subtitle C—Navy Programs**

4 **SEC. 121. RETIREMENT OF NUCLEAR-POWERED BALLISTIC** 5 **SUBMARINES.**

6 Section 5062 of title 10, United States Code, is
7 amended by adding at the end the following new sub-
8 section:

9 “(e)(1) Beginning October 1, 2012, the Secretary of
10 the Navy may not retire or decommission a nuclear-pow-
11 ered ballistic missile submarine if such retirement or de-
12 commissioning would result in the active or commissioned
13 fleet of such submarines consisting of less than 12 sub-
14 marines.

15 “(2) The limitation in paragraph (1) shall not apply
16 to a nuclear-powered ballistic submarine that has been
17 converted to carry exclusively non-nuclear payloads as of
18 October 1, 2012.”.

19 **SEC. 122. EXTENSION OF FORD-CLASS AIRCRAFT CARRIER** 20 **CONSTRUCTION AUTHORITY.**

21 Section 121(a) of the John Warner National Defense
22 Authorization Act for Fiscal Year 2007 (Public Law 109–
23 364; 120 Stat. 2104), as amended by section 124 of the
24 National Defense Authorization Act for Fiscal Year 2012
25 (Public Law 112–81; 125 Stat. 1320), is amended by

1 striking “four fiscal years” and inserting “five fiscal
2 years”.

3 **SEC. 123. EXTENSION OF MULTIYEAR PROCUREMENT AU-**
4 **THORITY FOR F/A-18E, F/A-18F, AND EA-18G**
5 **AIRCRAFT.**

6 Section 128 of the National Defense Authorization
7 Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
8 2217), as amended by Public Law 111–238 (124 Stat.
9 2500), is amended by adding at the end the following new
10 subsection:

11 “(f) EXTENSION OF MULTIYEAR AUTHORITY.—Not-
12 withstanding section 2306b of title 10, United States
13 Code, the Secretary of the Navy may modify a multiyear
14 contract entered into under subsection (a) to add a fifth
15 production year to such contract.”.

16 **SEC. 124. MULTIYEAR PROCUREMENT AUTHORITY FOR V-22**
17 **JOINT AIRCRAFT PROGRAM.**

18 (a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—
19 In accordance with section 2306b of title 10, United
20 States Code, the Secretary of the Navy may enter into
21 a multiyear contract, beginning with the fiscal year 2013
22 program year, for the procurement of V-22 aircraft for
23 the Department of the Navy, the Department of the Air
24 Force, and the United States Special Operations Com-
25 mand.

1 (b) CONDITION FOR OUT-YEAR CONTRACT PAY-
2 MENTS.—A contract entered into under subsection (a)
3 shall provide that any obligation of the United States to
4 make a payment under the contract for a fiscal year after
5 fiscal year 2013 is subject to the availability of appropria-
6 tions for that purpose for such later fiscal year.

7 **SEC. 125. MULTIYEAR PROCUREMENT AUTHORITY FOR**
8 **ARLEIGH BURKE-CLASS DESTROYERS AND**
9 **ASSOCIATED SYSTEMS.**

10 (a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—
11 In accordance with section 2306b of title 10, United
12 States Code, the Secretary of the Navy may enter into
13 a multiyear contract, beginning with the fiscal year 2013
14 program year, for the procurement of not more than 10
15 Arleigh Burke-class guided missile destroyers, including
16 the Aegis weapon systems, MK 41 vertical launching sys-
17 tems, and commercial broadband satellite systems associ-
18 ated with such vessels.

19 (b) AUTHORITY FOR ADVANCE PROCUREMENT.—The
20 Secretary of the Navy may enter into a contract, begin-
21 ning in fiscal year 2013, for advance procurement associ-
22 ated with the vessels and systems for which authorization
23 to enter into a multiyear procurement contract is provided
24 under subsection (a).

1 (c) CONDITION FOR OUT-YEAR CONTRACT PAY-
2 MENTS.—A contract entered into under subsection (a)
3 shall provide that any obligation of the United States to
4 make a payment under the contract for a fiscal year after
5 fiscal year 2013 is subject to the availability of appropria-
6 tions or funds for that purpose for such later fiscal year.

7 **SEC. 126. MULTIYEAR PROCUREMENT AUTHORITY FOR VIR-**
8 **GINIA-CLASS SUBMARINE PROGRAM.**

9 (a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—

10 (1) IN GENERAL.—In accordance with section
11 2306b of title 10, United States Code, the Secretary
12 of the Navy may enter into a multiyear contract, be-
13 ginning with the fiscal year 2014 program year, for
14 the procurement of not more than 10 Virginia-class
15 submarines and Government-furnished equipment
16 associated with the Virginia-class submarine pro-
17 gram.

18 (2) USE OF INCREMENTAL FUNDING.—The
19 Secretary may use incremental funding with respect
20 to a contract entered into under paragraph (1).

21 (b) AUTHORITY FOR ADVANCE PROCUREMENT.—The
22 Secretary of the Navy may enter into a contract, begin-
23 ning in fiscal year 2013, for advance procurement associ-
24 ated with the vessels and systems for which authorization

1 to enter into a multiyear procurement contract is provided
2 under subsection (a)(1).

3 (c) **CONDITION FOR OUT-YEAR CONTRACT PAY-**
4 **MENTS.**—A contract entered into under subsection (a)(1)
5 shall provide that any obligation of the United States to
6 make a payment under the contract for a fiscal year after
7 fiscal year 2014 is subject to the availability of appropria-
8 tions or funds for that purpose for such later fiscal year.

9 **SEC. 127. REFUELING AND COMPLEX OVERHAUL OF THE**
10 **U.S.S. ABRAHAM LINCOLN.**

11 (a) **REFUELING AND COMPLEX OVERHAUL.**—Of the
12 funds authorized to be appropriated or otherwise made
13 available for fiscal year 2013 for shipbuilding and conver-
14 sion, Navy, not more than \$1,613,392,000 may be obli-
15 gated or expended for the commencement of the nuclear
16 refueling and complex overhaul of the U.S.S. Abraham
17 Lincoln (CVN-72) during such fiscal year. Such amount
18 shall be the first increment in the two-year sequence of
19 incremental funding planned for such nuclear refueling
20 and complex overhaul.

21 (b) **CONTRACT AUTHORITY.**—The Secretary of the
22 Navy may enter into a contract during fiscal year 2013
23 for the nuclear refueling and complex overhaul of the
24 U.S.S. Abraham Lincoln.

1 (c) CONDITION FOR OUT-YEAR CONTRACT PAY-
2 MENTS.—A contract entered into under subsection (b)
3 shall provide that any obligation of the United States to
4 make a payment under the contract for a fiscal year after
5 fiscal year 2013 is subject to the availability of appropria-
6 tions for that purpose for that later fiscal year.

7 **SEC. 128. REPORT ON LITTORAL COMBAT SHIP DESIGNS.**

8 Not later than December 31, 2013, the Secretary of
9 the Navy shall submit to the congressional defense com-
10 mittees a report on the designs of the Littoral Combat
11 Ship, including comparative cost and performance infor-
12 mation for both designs of such ship.

13 **SEC. 129. COMPTROLLER GENERAL REVIEWS OF LITTORAL**
14 **COMBAT SHIP PROGRAM.**

15 (a) ACCEPTANCE OF LCS.—

16 (1) IN GENERAL.—The Comptroller General of
17 the United States shall conduct a review of the com-
18 pliance of the Secretary of the Navy with part 246
19 of title 48 of the Code of Federal Regulations and
20 subpart 46.5 of the Federal Acquisition Regulation
21 in accepting the LCS.

22 (2) MATTERS INCLUDED.—The review under
23 paragraph (1) shall include a discussion of the
24 knowledge of, and determinations by, the LCS pro-

1 gram office and contractors with respect to the fol-
2 lowing:

3 (A) Potential for cracks in the LCS hull
4 and deckhouse and any corresponding potential
5 design risks.

6 (B) Chargeable equipment failures.

7 (C) Potential for engine failures or break-
8 downs.

9 (D) Meeting key performance parameters,
10 including speed.

11 (E) Review of the quality of seals and
12 welds.

13 (F) Review of water jet corrosion.

14 (G) Completeness of records to support ac-
15 ceptance of the LCS.

16 (H) How the LCS risk and problems com-
17 pare to lead ships in comparable programs.

18 (I) Security of the ship and systems, in-
19 cluding any known lapses.

20 (J) Manning analysis, including how it
21 would affect key performance parameters.

22 (K) Strategies for balancing cost, schedule,
23 and performance trade-offs as required by sec-
24 tion 201 of the Weapon Systems Acquisition

1 Reform Act of 2009 (Public Law 111–23; 123
2 Stat. 1719).

3 (b) OPERATIONAL SUPPORT.—Not later than 180
4 days after the date of the enactment of this Act, the
5 Comptroller General shall submit to the congressional de-
6 fense committees a report on the operational support and
7 sustainment strategy for the Littoral Combat Ship pro-
8 gram, including modernization and logistics support.

9 (c) COOPERATION.—For purposes of conducting the
10 review under subsection (a)(1) and (b), the Secretary of
11 Defense shall ensure that the Comptroller General has ac-
12 cess to—

13 (1) all relevant records of the Department; and

14 (2) all relevant communications between De-
15 partment officials, whether such communications oc-
16 curred inside or outside the Federal Government.

17 **SEC. 130. SENSE OF CONGRESS ON IMPORTANCE OF ENGI-**
18 **NEERING IN EARLY STAGES OF SHIP-**
19 **BUILDING.**

20 It is the sense of Congress that—

21 (1) placing a priority on engineering dollars in
22 the early stages of shipbuilding programs is a vital
23 component of keeping cost down; and

24 (2) therefore, the Secretary of the Navy should
25 take appropriate steps to prioritize early engineering

1 in large ship construction including amphibious class
2 ships beginning with the LHA-8.

3 **SEC. 131. SENSE OF CONGRESS ON MARINE CORPS AMPHIB-**
4 **IOUS LIFT AND PRESENCE REQUIREMENTS.**

5 (a) IN GENERAL.—It is the sense of Congress that—

6 (1) the United States Marine Corps is a combat
7 force which leverages maneuver from the sea as a
8 force multiplier allowing for a variety of operational
9 tasks ranging from major combat operations to hu-
10 manitarian assistance;

11 (2) the United States Marine Corps is unique
12 in that, while embarked upon Naval vessels, they
13 bring all the logistic support necessary for the full
14 range of military operations, operating “from the
15 sea” they require no third party host nation permis-
16 sion to conduct military operations;

17 (3) the Department of the Navy has a require-
18 ment for 38 amphibious assault ships to meet this
19 full range of military operations;

20 (4) for budgetary reasons only that requirement
21 of 38 vessels was reduced to 33 vessels, which adds
22 military risk to future operations;

23 (5) the Department of the Navy has been un-
24 able to meet even the minimal requirement of 33
25 operationally available vessels and has submitted a

1 shipbuilding and ship retirement plan to the Con-
2 gress which will reduce the force to 28 vessels; and

3 (6) experience has shown that early engineering
4 and design of naval vessels has significantly reduced
5 the acquisition costs and life-cycle costs of those ves-
6 sels.

7 (b) NEXT GENERATION OF AMPHIBIOUS SHIPS.—In
8 light of subsection (a), it is the sense of Congress that—

9 (1) the Navy should consider prioritization of
10 investment in and procurement of the next genera-
11 tion of amphibious assault ships;

12 (2) the next generation amphibious assault
13 ships should maintain survivability protection level
14 II in accordance with current Navy ship require-
15 ments;

16 (3) commonality in hull form design could be a
17 desirable element to reduce acquisition and life cycle
18 cost; and

19 (4) maintaining a robust amphibious ship-
20 building industrial base is vital for future national
21 security.

1 (b) REPORT.—

2 (1) IN GENERAL.—Not later than February 1,
3 2013, the Commander of the United States Trans-
4 portation Command shall submit to the congres-
5 sional defense committees a report assessing the
6 operational risk of meeting the steady-state and
7 warfighting requirements of the commanders of the
8 geographical combatant commands with respect to
9 the Secretary of the Air Force maintaining an inven-
10 tory of strategic airlift aircraft of less than 301 air-
11 craft.

12 (2) MATTERS INCLUDED.—The report under
13 paragraph (1) shall include a description and anal-
14 ysis of the assumptions made by the Commander
15 with respect to—

16 (A) aircraft usage rates;

17 (B) aircraft mission availability rates;

18 (C) aircraft mission capability rates;

19 (D) aircrew ratios;

20 (E) aircrew production;

21 (F) aircrew readiness rates; and

22 (G) any other assumption the Commander
23 uses to develop such report.

1 (3) FORM.—The report required by paragraph
2 (1) shall be submitted in unclassified form, but may
3 include a classified annex.

4 **SEC. 143. LIMITATION ON AVAILABILITY OF FUNDS FOR DI-**
5 **VESTMENT OR RETIREMENT OF C-27J AIR-**
6 **CRAFT.**

7 (a) IN GENERAL.—After fiscal year 2013, none of the
8 funds authorized to be appropriated by this Act or other-
9 wise made available for fiscal year 2013 for the Air Force
10 may be used to divest, retire, or transfer, or prepare to
11 divest, retire, or transfer, a C-27J aircraft until a period
12 of 180 days has elapsed following the date on which—

13 (1) the Director of the Congressional Budget
14 Office submits to the congressional defense commit-
15 tees the analysis conducted under subsection (b)(1);
16 and

17 (2) the reports under subsections (d)(2) and
18 (e)(2) of section 112 of the National Defense Au-
19 thorization Act for Fiscal Year 2012 (Public Law
20 112–81; 125 Stat. 1318) are submitted to the con-
21 gressional defense committees.

22 (b) LIFE-CYCLE COST ANALYSIS.—

23 (1) CBO.—The Director of the Congressional
24 Budget Office shall submit to the congressional de-
25 fense committees a 40-year life-cycle cost analysis of

1 C-27J aircraft, C-130H aircraft, and C-130J air-
2 craft.

3 (2) MATTERS INCLUDED.—The life-cycle cost
4 analysis conducted under paragraph (1) shall—

5 (A) take into account all upgrades and
6 modifications required to sustain the aircraft
7 specified in paragraph (1) during a 40-year
8 service-life;

9 (B) assess the most cost-effective and mis-
10 sion-effective manner for which C-27J aircraft
11 could be affordably fielded by the Air National
12 Guard, including by determining—

13 (i) the number of basing locations re-
14 quired;

15 (ii) the number of authorized per-
16 sonnel associated with a unit's manning
17 document; and

18 (iii) the maintenance and sustainment
19 strategy required; and

20 (C) outline any limiting factors regarding
21 the analysis of C-27J aircraft with respect to
22 cost assumptions used by the Director in such
23 analysis and the actual costs incurred for air-
24 craft fielded by the Air Force as of the date of
25 the analysis.

1 (3) COOPERATION.—The Secretary of Defense
2 shall provide the Director with any information, in-
3 cluding original source documentation, the Director
4 determines is required to promptly conduct the anal-
5 ysis under paragraph (1).

6 **SEC. 144. LIMITATION ON AVAILABILITY OF FUNDS FOR**
7 **TERMINATION OF C-130 AVIONICS MOD-**
8 **ERNIZATION PROGRAM.**

9 (a) IN GENERAL.—None of the funds authorized to
10 be appropriated by this Act or otherwise made available
11 for fiscal year 2013 for the Air Force may be used to ter-
12 minate the C-130 avionics modernization program until
13 a period of 180 days has elapsed after the date on which
14 the Secretary of the Air Force submits to the congres-
15 sional defense committees the cost-benefit analysis con-
16 ducted under subsection (b)(1).

17 (b) COST-BENEFIT ANALYSIS.—

18 (1) FFRDC.—The Secretary shall seek to enter
19 into an agreement with the Institute for Defense
20 Analyses to conduct an independent cost-benefit
21 analysis that compares the following alternatives:

22 (A) Upgrading and modernizing the legacy
23 C-130 airlift fleet using the C-130 avionics
24 modernization program.

1 (B) Upgrading and modernizing the legacy
2 C-130 airlift fleet using a reduced scope pro-
3 gram for avionics and mission planning sys-
4 tems.

5 (2) MATTERS INCLUDED.—The cost-benefit
6 analysis conducted under paragraph (1) shall take
7 into account—

8 (A) the effect of life-cycle costs for—

9 (i) each of the alternatives described
10 in subparagraphs (A) and (B); and

11 (ii) C-130 aircraft that are not up-
12 graded or modernized; and

13 (B) the future costs associated with the
14 potential upgrades to avionics and mission sys-
15 tems that may be required in the future for leg-
16 acy C-130 aircraft to remain relevant and mis-
17 sion effective.

18 **SEC. 145. REVIEW OF C-130 FORCE STRUCTURE.**

19 (a) REVIEW.—The Secretary of the Air Force shall
20 conduct a review of the C-130 force structure.

21 (b) REPORT.—Not later than the date on which the
22 budget of the President is submitted to Congress under
23 section 1105(a) of title 31, United States Code, for fiscal
24 year 2014, the Secretary of the Air Force shall submit

1 to the congressional defense committees a report of the
2 review under subsection (a), including—

3 (1) how the Secretary will determine which C–
4 130 aircraft will be retired or relocated during fiscal
5 years 2014 through 2018;

6 (2) a description of the methodologies under-
7 lying such determinations, including the factors and
8 assumptions that shaped the specific determinations;

9 (3) the rationale for selecting C–130 aircraft to
10 be retired or relocated with respect to such aircraft
11 of the regular components and such aircraft of the
12 reserve components; and

13 (4) details of the costs incurred, avoided, or
14 saved with respect to retiring or relocating C–130
15 aircraft.

16 (c) **COMPTROLLER GENERAL REVIEW.**—Not later
17 than 60 days after the date on which the report is sub-
18 mitted under subsection (b), the Comptroller General of
19 the United States shall submit to the congressional de-
20 fense committees a review of such report, including the
21 costs and benefits of the planned retirements and reloca-
22 tions described in such report.

1 **SEC. 146. LIMITATION ON AVAILABILITY OF FUNDS FOR**
2 **EVOLVED EXPENDABLE LAUNCH VEHICLE**
3 **PROGRAM.**

4 (a) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that—

6 (1) assured access to space remains critical to
7 national security; and

8 (2) the plan by the Air Force to commit, begin-
9 ning in fiscal year 2013, to an annual production
10 rate of launch vehicle booster cores should maintain
11 mission assurance, stabilize the industrial base, re-
12 duce costs, and provide opportunities for competi-
13 tion.

14 (b) LIMITATION.—Of the funds authorized to be ap-
15 propriated by this Act or otherwise made available for fis-
16 cal year 2013 for the Air Force for the evolved expendable
17 launch vehicle program, 10 percent may not be obligated
18 or expended until the date on which the Secretary of the
19 Air Force submits to the appropriate congressional com-
20 mittees—

21 (1) a report describing the acquisition strategy
22 for such program; and

23 (2) written certification that such strategy—

24 (A) maintains assured access to space;

25 (B) achieves substantial cost savings; and

26 (C) provides opportunities for competition.

1 (c) MATTERS INCLUDED.—The report under sub-
2 section (b)(1) shall include the following information:

3 (1) The anticipated savings to be realized under
4 the acquisition strategy for the evolved expendable
5 launch vehicle program.

6 (2) The number of launch vehicle booster cores
7 covered by the planned contract for such program.

8 (3) The number of years covered by such con-
9 tract.

10 (4) An assessment of when new entrants that
11 have submitted a statement of intent will be certified
12 to compete for evolved expendable launch vehicle-
13 class launches.

14 (5) The projected launch manifest, including
15 possible opportunities for certified new entrants to
16 compete for evolved expendable launch vehicle-class
17 launches.

18 (6) Any other relevant analysis used to inform
19 the acquisition strategy for such program.

20 (d) COMPTROLLER GENERAL.—

21 (1) REVIEW.—The Comptroller General of the
22 United States shall review the report under sub-
23 section (b)(1).

24 (2) SUBMITTAL.—Not later than 30 days after
25 the date on which the report under subsection (b)(1)

1 is submitted to the appropriate congressional com-
2 mittees, the Comptroller General shall—

3 (A) submit to such committees a report on
4 the review under paragraph (1); or

5 (B) provide to such committees a briefing
6 on such review.

7 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
8 FINED.—In this section, the term “appropriate congres-
9 sional committees” means the following:

10 (1) The congressional defense committees.

11 (2) The Permanent Select Committee on Intel-
12 ligence of the House of Representatives and the Se-
13 lect Committee on Intelligence of the Senate.

14 **SEC. 147. PROCUREMENT OF SPACE-BASED INFRARED SYS-**
15 **TEMS.**

16 (a) CONTRACT AUTHORITY.—

17 (1) IN GENERAL.—The Secretary of the Air
18 Force may procure two space-based infrared systems
19 by entering into a fixed-price contract. Such pro-
20 curement may also include—

21 (A) material and equipment in economic
22 order quantities when cost savings are achiev-
23 able; and

24 (B) cost reduction initiatives.

1 (2) USE OF INCREMENTAL FUNDING.—With re-
2 spect to a contract entered into under paragraph (1)
3 for the procurement of space-based infrared systems,
4 the Secretary may use incremental funding for a pe-
5 riod not to exceed six fiscal years.

6 (3) LIABILITY.—A contract entered into under
7 paragraph (1) shall provide that any obligation of
8 the United States to make a payment under the con-
9 tract is subject to the availability of appropriations
10 for that purpose, and that the total liability to the
11 Government for termination of any contract entered
12 into shall be limited to the total amount of funding
13 obligated at the time of termination.

14 (b) LIMITATION OF COSTS.—

15 (1) LIMITATION.—Except as provided by sub-
16 section (c), and excluding amounts described in
17 paragraph (2), the total amount obligated or ex-
18 pended for the procurement of two space-based in-
19 frared systems authorized by subsection (a) may not
20 exceed \$3,900,000,000.

21 (2) EXCLUSION.—The amounts described in
22 this paragraph are amounts associated with the fol-
23 lowing:

24 (A) Plans.

25 (B) Technical data packages.

1 (C) Post-delivery and program support
2 costs.

3 (D) Technical support for obsolescence
4 studies.

5 (c) WAIVER AND ADJUSTMENT TO LIMITATION
6 AMOUNT.—

7 (1) WAIVER.—In accordance with paragraph
8 (2), the Secretary may waive the limitation in sub-
9 section (b)(1) if the Secretary submits to the con-
10 gressional defense committees written notification of
11 the adjustment made to the amount set forth in
12 such subsection.

13 (2) ADJUSTMENT.—Upon waiving the limita-
14 tion under paragraph (1), the Secretary may adjust
15 the amount set forth in subsection (b)(1) by the fol-
16 lowing:

17 (A) The amounts of increases or decreases
18 in costs attributable to economic inflation after
19 September 30, 2012.

20 (B) The amounts of increases or decreases
21 in costs attributable to compliance with changes
22 in Federal, State, or local laws enacted after
23 September 30, 2012.

24 (C) The amounts of increases or decreases
25 in costs of the satellites that are attributable to

1 insertion of new technology into a space-based
2 infrared system, as compared to the technology
3 built into such a system procured prior to fiscal
4 year 2013, if the Secretary determines, and cer-
5 tifies to the congressional defense committees,
6 that insertion of the new technology is—

7 (i) expected to decrease the life-cycle
8 cost of the system; or

9 (ii) required to meet an emerging
10 threat that poses grave harm to national
11 security.

12 (d) REPORT.—Not later than 30 days after the date
13 on which the Secretary awards a contract under sub-
14 section (a), the Secretary shall submit to the congressional
15 defense committees a report on such contract, including
16 the following:

17 (1) The total cost savings resulting from the
18 authority provided by subsection (a).

19 (2) The type and duration of the contract
20 awarded.

21 (3) The total contract value.

22 (4) The funding profile by year.

23 (5) The terms of the contract regarding the
24 treatment of changes by the Federal Government to

1 the requirements of the contract, including how any
2 such changes may affect the success of the contract.

3 (6) A plan for using cost savings described in
4 paragraph (1) to improve the capability of overhead
5 persistent infrared, including a description of—

6 (A) the available funds, by year, resulting
7 from such cost savings;

8 (B) the specific activities or subprograms
9 to be funded by such cost savings and the
10 funds, by year, allocated to each such activity
11 or subprogram;

12 (C) the objectives for each such activity or
13 subprogram and the criteria used by the Sec-
14 retary to determine which such activity or sub-
15 program to fund;

16 (D) the method in which such activities or
17 subprograms will be awarded, including whether
18 it will be on a competitive basis; and

19 (E) the process for determining how and
20 when such activities and subprograms would
21 transition to an existing program or be estab-
22 lished as a new program of record.

1 **Subtitle E—Joint and Multiservice**
2 **Matters**

3 **SEC. 151. REQUIREMENT TO SET F-35 AIRCRAFT INITIAL**
4 **OPERATIONAL CAPABILITY DATES.**

5 (a) F-35A.—Not later than December 31, 2012, the
6 Secretary of the Air Force shall—

7 (1) establish the initial operational capability
8 date for the F-35A aircraft; and

9 (2) submit to the congressional defense commit-
10 tees a report on the details of such initial oper-
11 ational capability.

12 (b) F-35B AND F-35C.—Not later than December
13 31, 2012, the Secretary of the Navy shall—

14 (1) establish the initial operational capability
15 dates for the F-35B and F-35C aircraft; and

16 (2) submit to the congressional defense commit-
17 tees a report on the details of such initial oper-
18 ational capabilities for both variants.

19 **SEC. 152. LIMITATION ON AVAILABILITY OF FUNDS FOR RE-**
20 **TIREMENT OF RQ-4 GLOBAL HAWK UN-**
21 **MANNED AIRCRAFT SYSTEMS.**

22 (a) LIMITATION.—None of the funds authorized to
23 be appropriated by this Act or otherwise made available
24 for fiscal year 2013 for the Department of Defense may
25 be obligated or expended to retire, prepare to retire, or

1 place in storage an RQ-4 Block 30 Global Hawk un-
2 manned aircraft system.

3 (b) MAINTAINED LEVELS.—During the period pre-
4 ceding December 31, 2014, in supporting the operational
5 requirements of the combatant commands, the Secretary
6 of the Air Force shall maintain the operational capability
7 of each RQ-4 Block 30 Global Hawk unmanned aircraft
8 system belonging to the Air Force or delivered to the Air
9 Force during such period.

10 **SEC. 153. COMMON DATA LINK FOR MANNED AND UN-**
11 **MANNED INTELLIGENCE, SURVEILLANCE,**
12 **AND RECONNAISSANCE SYSTEMS.**

13 Section 141 of the National Defense Authorization
14 Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat.
15 3164), as amended by section 143 of the National Defense
16 Authorization Act for Fiscal Year 2010 (Public Law 111-
17 84; 123 Stat. 2223), is amended by adding at the end
18 the following new subsection:

19 “(e) STANDARDS IN SOLICITATIONS.—The Secretary
20 of Defense shall ensure that a solicitation for a common
21 data link described in subsection (a)—

22 “(1) complies with the most recently issued
23 common data link specification standard of the De-
24 partment of Defense as of the date of the solicita-
25 tion; and

1 “(2) does not include any proprietary or un-
2 documented interface or waveform as a requirement
3 or criterion for evaluation.”.

4 **TITLE II—RESEARCH, DEVELOP-**
5 **MENT, TEST, AND EVALUA-**
6 **TION**

7 **Subtitle A—Authorization of**
8 **Appropriations**

9 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

10 Funds are hereby authorized to be appropriated for
11 fiscal year 2013 for the use of the Department of Defense
12 for research, development, test, and evaluation as specified
13 in the funding table in section 4201.

14 **Subtitle B—Program Require-**
15 **ments, Restrictions, and Limita-**
16 **tions**

17 **SEC. 211. NEXT-GENERATION LONG-RANGE STRIKE BOMB-**

18 **ER AIRCRAFT NUCLEAR CERTIFICATION RE-**

19 **QUIREMENT.**

20 The Secretary of the Air Force shall ensure that the
21 next-generation long-range strike bomber is—

22 (1) capable of carrying strategic nuclear weap-
23 ons as of the date on which such aircraft achieves
24 initial operating capability; and

1 (2) certified to use such weapons by not later
2 than two years after such date.

3 **SEC. 212. UNMANNED COMBAT AIR SYSTEM.**

4 The Secretary of the Navy shall—

5 (1) conduct additional technology development
6 risk reduction activities using the unmanned combat
7 air system; and

8 (2) preserve a competitive acquisition environ-
9 ment for the Unmanned Carrier-launched Surveil-
10 lance and Strike system program.

11 **SEC. 213. EXTENSION OF LIMITATION ON AVAILABILITY OF**
12 **FUNDS FOR UNMANNED CARRIER-LAUNCHED**
13 **SURVEILLANCE AND STRIKE SYSTEM PRO-**
14 **GRAM.**

15 (a) EXTENSION OF LIMITATION.—Subsection (a) of
16 section 213 of the National Defense Authorization Act for
17 Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1330)
18 is amended by inserting “or fiscal year 2013” after “fiscal
19 year 2012”.

20 (b) TECHNOLOGY DEVELOPMENT PHASE.—Such sec-
21 tion is further amended by adding at the end the following
22 new subsection:

23 “(d) TECHNOLOGY DEVELOPMENT AND CRITICAL
24 DESIGN PHASES.—

1 “(1) CONTRACTORS.—The Secretary of the
2 Navy may not reduce the number of prime contrac-
3 tors working on the Unmanned Carrier-launched
4 Surveillance and Strike system program to one
5 prime contractor for the technology development
6 phase of such program prior to the program achiev-
7 ing the critical design review milestone.

8 “(2) CRITICAL DESIGN REVIEW.—The Un-
9 manned Carrier-launched Surveillance and Strike
10 system program may not achieve the critical design
11 review milestone until on or after October 1, 2016.”.

12 (c) TECHNICAL AMENDMENT.—Such section is fur-
13 ther amended by striking “Future Unmanned Carrier-
14 based Strike System” each place it appears and inserting
15 “Unmanned Carrier-launched Surveillance and Strike sys-
16 tem”.

17 **SEC. 214. LIMITATION ON AVAILABILITY OF FUNDS FOR FU-**
18 **TURE MANNED GROUND MOVING TARGET IN-**
19 **DICATOR CAPABILITY OF THE AIR FORCE.**

20 (a) LIMITATION.—None of the funds authorized to
21 be appropriated by this Act or otherwise made available
22 for fiscal year 2013 for research, development, test, and
23 evaluation, Air Force, may be obligated or expended for
24 any activity, including pre-Milestone A activities, to ini-
25 tiate a new start acquisition program to provide the Air

1 Force with a manned ground moving target indicator ca-
2 pability or manned dismount moving target indicator ca-
3 pability until a period of 90 days has elapsed following
4 the date on which the Secretary of the Air Force submits
5 the report under subsection (b)(1).

6 (b) REPORT.—

7 (1) IN GENERAL.—The Secretary of the Air
8 Force shall submit to the congressional defense com-
9 mittees a report on the plan of the future manned
10 ground moving target and manned dismount moving
11 target indicator capabilities of the Air Force.

12 (2) MATTERS INCLUDED.—The report under
13 paragraph (1) shall include the following:

14 (A) The plan to maintain onboard com-
15 mand and control capability that is equal to or
16 better than such capability provided by the E-
17 8C joint surveillance target attack radar pro-
18 gram.

19 (B) Each analysis of alternatives com-
20 pleted during fiscal year 2012 regarding future
21 manned ground moving target indicator capa-
22 bility or manned dismount moving target indi-
23 cator capability.

1 (C) With respect to each new program
2 analyzed in an analysis of alternatives described
3 in subparagraph (B)—

4 (i) the development, procurement, and
5 sustainment cost estimates for such pro-
6 gram; and

7 (ii) a description of how such program
8 will affect the potential growth of future
9 manned ground moving target indicator
10 capability or manned dismount moving tar-
11 get indicator capability.

12 (D) A description of potential operational
13 and sustainment cost savings realized by the
14 Air Force using a platform that is—

15 (i) derived from commercial aircraft;

16 and

17 (ii) in operation by the Department of
18 Defense as of the date of the report.

19 (E) The plan by the Secretary of Defense
20 to retire or replace E-8C joint surveillance tar-
21 get attack radar aircraft.

22 (F) Any other matter the Secretary con-
23 siders appropriate.

24 (c) WAIVER.—The Secretary may waive the limita-
25 tion in subsection (a) if the Secretary—

1 (1) determines that such waiver is required to
2 meet an urgent operational need or other emergency
3 contingency requirement directly related to ongoing
4 combat operations; and

5 (2) notifies the congressional defense commit-
6 tees of such determination.

7 **SEC. 215. LIMITATION ON AVAILABILITY OF FUNDS FOR**
8 **MILESTONE A ACTIVITIES FOR THE MQ-18**
9 **UNMANNED AIRCRAFT SYSTEM.**

10 (a) **LIMITATION.**—None of the funds authorized to
11 be appropriated by this Act or otherwise made available
12 for fiscal year 2013 for research, development, test, and
13 evaluation, Army, may be obligated or expended for Mile-
14 stone A activities with respect to the MQ-18 medium-
15 range multi-purpose vertical take-off and landing un-
16 manned aircraft system until—

17 (1) the Chairman of the Joint Requirements
18 Oversight Council certifies in writing to the appro-
19 priate congressional committees that—

20 (A) such system is required to meet a ca-
21 pability in the manned and unmanned medium-
22 altitude intelligence, surveillance, and recon-
23 naissance force structure of the Department of
24 Defense; and

1 (B) an existing unmanned aircraft system
2 cannot meet such capability or be modified to
3 meet such capability; and

4 (2) a period of 30 days has elapsed following
5 the date on which the Chairman submits the certifi-
6 cation under paragraph (1).

7 (b) DEFINITIONS.—In this section:

8 (1) The term “appropriate congressional com-
9 mittees” means—

10 (A) the Committee on Armed Services, the
11 Committee on Appropriations, and the Perma-
12 nent Select Committee on Intelligence of the
13 House of Representatives; and

14 (B) the Committee on Armed Services, the
15 Committee on Appropriations, and the Select
16 Committee on Intelligence of the Senate.

17 (2) The term “Milestone A activities” means,
18 with respect to an acquisition program of the De-
19 partment of Defense—

20 (A) the distribution of request for pro-
21 posals;

22 (B) the selection of technology demonstra-
23 tion contractors; and

24 (C) technology development.

1 **SEC. 216. VERTICAL LIFT PLATFORM TECHNOLOGY DEM-**
2 **ONSTRATIONS.**

3 (a) IN GENERAL.—Of the funds authorized to be ap-
4 propriated by this Act or otherwise made available for fis-
5 cal year 2013 for joint capability technology demonstra-
6 tions, the Under Secretary of Defense for Acquisition,
7 Technology, and Logistics may obligate or expend not
8 more than \$5,000,000 to carry out a program to develop
9 and flight-demonstrate vertical lift platform technologies
10 that address the capability gaps described in the Future
11 Vertical Lift Strategic Plan of the Department of Defense
12 submitted to Congress in August 2010.

13 (b) GOALS AND OBJECTIVES.—The Under Secretary
14 shall ensure that the program under subsection (a) has
15 the following goals and objectives:

16 (1) To develop innovative vertical lift platform
17 technologies that address capability gaps in speed,
18 range, ceiling, survivability, reliability, and afford-
19 ability applicable to both current and future rotor-
20 craft of the Department of Defense.

21 (2) To flight-demonstrate such vertical lift tech-
22 nologies no later than 2016.

23 (3) To accelerate the development and transi-
24 tion of innovative vertical lift technologies by pro-
25 moting the formation of competitive teams of small

1 business working in collaboration with large contrac-
2 tors and academia.

3 **Subtitle C—Missile Defense**
4 **Programs**

5 **SEC. 221. PROCUREMENT OF AN/TPY-2 RADARS.**

6 (a) **PROCUREMENT.**—The Secretary of Defense shall
7 procure two AN/TPY-2 radars.

8 (b) **REPORT.**—The Secretary of Defense shall submit
9 to the congressional defense committees a report on the
10 feasibility of developing an AN/TPY-2 radar on a rota-
11 tional table to allow the radar to quickly change directions.

12 **SEC. 222. DEVELOPMENT OF ADVANCED KILL VEHICLE.**

13 Not later than 180 days after the date of the enact-
14 ment of this Act, the Director of the Missile Defense
15 Agency shall submit to the congressional defense commit-
16 tees a report that includes—

17 (1) a plan to provide that the new advanced kill
18 vehicle on the standard missile-3 block IIB inter-
19 ceptor shall have the capability of being used for the
20 ground-based midcourse defense program; and

21 (2) a description of the technology of and con-
22 cept behind applying the former multiple kill vehicle
23 concept to the new vehicle described in paragraph
24 (1).

1 **SEC. 223. MISSILE DEFENSE SITE ON THE EAST COAST.**

2 (a) OPERATIONAL SITE.—The Secretary of Defense
3 shall ensure that a covered missile defense site on the East
4 Coast of the United States is operational by not later than
5 December 31, 2015.

6 (b) CONSIDERATION OF LOCATION.—

7 (1) STUDY.—Not later than December 31,
8 2013, the Secretary of Defense shall conduct a study
9 evaluating three possible locations selected by the
10 Director of the Missile Defense Agency for a covered
11 missile defense site on the East Coast of the United
12 States.

13 (2) EIS.—The Secretary shall prepare an envi-
14 ronmental impact statement in accordance with the
15 National Environmental Policy Act of 1969 (42
16 U.S.C. 4321 et seq.) for each location evaluated
17 under paragraph (1).

18 (3) LOCATION.—In selecting the three possible
19 locations for a covered missile defense site under
20 paragraph (1), the Secretary should—

21 (A) take into consideration—

22 (i) the strategic location of the pro-
23 posed site; and

24 (ii) the proximity of the proposed site
25 to major population centers; and

26 (B) give priority to a proposed site that—

- 1 (i) is operated or supported by the
2 Department of Defense;
3 (ii) lacks encroachment issues; and
4 (iii) has a controlled airspace.

5 (c) PLAN.—

6 (1) IN GENERAL.—The Director of the Missile
7 Defense Agency shall develop a plan to deploy an
8 appropriate missile defense interceptor for a missile
9 defense site on the East Coast.

10 (2) MATTERS INCLUDED.—In developing the
11 plan under paragraph (1), the Director shall evalu-
12 ate the use of—

13 (A) two- or three-stage ground-based inter-
14 ceptors; and

15 (B) standard missile-3 interceptors, in-
16 cluding block IA, block IB, and for a later de-
17 ployment, block IIA or block IIB interceptors.

18 (3) SUBMISSION.—The Director shall submit to
19 the President the plan under paragraph (1) for in-
20 clusion with the budget materials submitted to Con-
21 gress under section 1105(a) of title 31, United
22 States Code, for fiscal year 2014.

23 (4) FUNDING.—Of the funds authorized to be
24 appropriated by this Act or otherwise made available
25 for fiscal year 2013 for the Missile Defense Agency,

1 \$100,000,000 may be obligated or expended to carry
2 out the plan developed under paragraph (1) after a
3 period of 30 days has elapsed following the date on
4 which the congressional defense committees receive
5 the plan pursuant to paragraph (3).

6 (d) COVERED MISSILE DEFENSE SITE.—In this sec-
7 tion, the term “covered missile defense site” means a mis-
8 sile defense site that uses—

- 9 (1) ground-based interceptors; or
- 10 (2) standard missile—3 interceptors.

11 **SEC. 224. GROUND-BASED MIDCOURSE DEFENSE SYSTEM.**

12 (a) GMD SYSTEM.—Of the funds authorized to be
13 appropriated by this Act or otherwise made available for
14 fiscal year 2013 for the Department of Defense, not less
15 than \$1,261,000,000 shall be made available for the
16 ground-based midcourse defense system, as specified in
17 the funding table in section 4201.

18 (b) CERTAIN PROGRAMS OF THE GMD SYSTEM.—

19 (1) EKV.—The Secretary of Defense shall com-
20 plete the refurbishment of the CE1 exoatmospheric
21 kill vehicle-equipped ground-based interceptors.

22 (2) MF-1.—Of the funds authorized to be ap-
23 propriated by this Act or otherwise made available
24 for fiscal year 2013 for the ground-based midcourse
25 defense system, not less than \$205,000,000 shall be

1 obligated or expended to upgrade Missile Field 1 at
2 Fort Greely, Alaska.

3 **SEC. 225. GROUND-BASED MIDCOURSE DEFENSE INTER-**
4 **CEPTOR TEST.**

5 Not later than December 31, 2013, the Secretary of
6 Defense shall conduct an intercontinental ballistic missile
7 test of the ground-based midcourse defense program using
8 a ground-based interceptor equipped with a CE1
9 exoatmospheric kill vehicle.

10 **SEC. 226. DEPLOYMENT OF SM-3 IIB INTERCEPTORS ON**
11 **LAND AND SEA.**

12 (a) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that standard missile–3 block IIB interceptors
14 should be deployable in both land-based and sea-based
15 modes by the date on which such interceptors achieve ini-
16 tial operating capability.

17 (b) LAND AND SEA MODES.—The Secretary of De-
18 fense shall ensure that standard missile–3 block IIB inter-
19 ceptors are deployable using both land-based and sea-
20 based systems by the date on which such interceptors
21 achieve initial operating capability.

22 (c) REPORT.—

23 (1) FORCE STRUCTURE.—Not later than 180
24 days after the date of the enactment of this Act, the
25 Secretary shall submit to the congressional defense

1 committees a report on how the deployment of
2 standard missile–3 block IIB interceptors affects the
3 force structure of the Navy.

4 (2) MATTERS INCLUDED.—The report under
5 paragraph (1) shall include the following:

6 (A) The implications for the force struc-
7 ture of the Navy if standard missile–3 block
8 IIB interceptors cannot fit in the standard
9 vertical launching system configuration for the
10 Aegis ballistic missile defense system, including
11 the implications regarding—

12 (i) ship deployments;

13 (ii) cost; and

14 (iii) ability to respond to raids.

15 (B) An explanation for how standard mis-
16 sile–3 block IIB interceptors would be used, at
17 initial operating capability, for the defense of
18 the United States from threats originating in
19 the Pacific region if such interceptors are not
20 deployable in a sea-based mode, including an
21 explanation of cost and force structure require-
22 ments.

23 **SEC. 227. IRON DOME SHORT-RANGE ROCKET DEFENSE**
24 **PROGRAM.**

25 (a) AVAILABILITY OF FUNDS.—

1 (1) IN GENERAL.—Of the funds authorized to
2 be appropriated by section 201 for research, develop-
3 ment, test, and evaluation, Defense-wide, as speci-
4 fied in the funding table in section 4201, or other-
5 wise made available for the Department of Defense
6 for fiscal years 2012 through 2015, the Secretary of
7 Defense may provide up to \$680,000,000 to the
8 Government of Israel for the procurement of addi-
9 tional batteries and interceptors under the Iron
10 Dome short-range rocket defense system and for re-
11 lated operations and sustainment expenses.

12 (2) AVAILABILITY.—Funds made available for
13 fiscal year 2012 or 2013 to carry out paragraph (1)
14 are authorized to remain available until September
15 30, 2014.

16 (b) OFFICE.—The Secretary of Defense shall estab-
17 lish within the Missile Defense Agency of the Department
18 of Defense an office to carry out subsection (a) and other
19 matters relating to assistance for Israel’s Iron Dome
20 short-range rocket defense system.

21 **SEC. 228. SEA-BASED X-BAND RADAR.**

22 The Director of the Missile Defense Agency shall en-
23 sure that the sea-based X-band radar is maintained in a
24 status such that the radar may be deployed in less than
25 14 days and for at least 60 days each year.

1 **SEC. 229. PROHIBITION ON THE USE OF FUNDS FOR THE**
2 **MEADS PROGRAM.**

3 None of the funds authorized to be appropriated by
4 this Act or otherwise made available for fiscal year 2013
5 for the Department of Defense may be obligated or ex-
6 pended for the medium extended air defense system.

7 **SEC. 230. LIMITATION ON AVAILABILITY OF FUNDS FOR**
8 **PHASED, ADAPTIVE APPROACH TO MISSILE**
9 **DEFENSE IN EUROPE.**

10 (a) LIMITATION.—Of the funds authorized to be ap-
11 propriated by this Act or otherwise made available for fis-
12 cal year 2013 for covered missile defense activities, not
13 more than 75 percent may be obligated or expended
14 until—

15 (1) the Secretary of Defense and the Secretary
16 of State jointly submit to the appropriate congress-
17 sional committees—

18 (A) a report on the cost-sharing arrange-
19 ments for the phased, adaptive approach to
20 missile defense in Europe; and

21 (B) written certification that a propor-
22 tional share, as determined by the Secretaries,
23 of the costs for such approach to missile de-
24 fense will be provided by members of the North
25 Atlantic Treaty Organization other than the
26 United States; and

1 (2) the Secretary of Defense—

2 (A) submits a NATO prefinancing request
3 for consideration of expenses regarding such
4 approach to missile defense (excluding such ex-
5 penses related to military construction de-
6 scribed in section 2403(b)); and

7 (B) submits to the appropriate congres-
8 sional committees the response by the NATO
9 Secretary General or the North Atlantic Council
10 to such request.

11 (b) WAIVER.—The President may waive the limita-
12 tion in subsection (a) with respect to a specific project of
13 a covered missile defense activity if the President submits
14 to the appropriate congressional committees and the writ-
15 ten certification that the waiver for such project is vital
16 to the national security interests of the United States.

17 (c) DEFINITIONS.—In this section:

18 (1) The term “appropriate congressional com-
19 mittees” means the following:

20 (A) The congressional defense committees.

21 (B) The Committee on Foreign Affairs of
22 the House of Representatives and the Com-
23 mittee on Foreign Relations of the Senate.

24 (2) The term “covered missile defense activi-
25 ties” means, with respect to the phased, adaptive ap-

1 proach to missile defense in Europe, activities re-
2 garding—

3 (A) Aegis ashore sites; or

4 (B) an AN/TPY-2 radar located in Tur-
5 key.

6 **SEC. 231. LIMITATION ON AVAILABILITY OF FUNDS FOR**
7 **THE PRECISION TRACKING SPACE SYSTEM.**

8 (a) INITIAL LIMITATION.—None of the funds author-
9 ized to be appropriated by this Act or otherwise made
10 available for fiscal year 2013 for the precision tracking
11 space system may be obligated or expended until the date
12 on which—

13 (1) a federally funded research and development
14 center begins the analysis under subsection (b)(1);
15 and

16 (2) the terms of reference for the analysis are
17 submitted to the congressional defense committees.

18 (b) ANALYSIS OF ALTERNATIVES.—

19 (1) FFRDC.—The Director of the Missile De-
20 fense Agency shall enter into an agreement with a
21 federally funded research and development center
22 that has not previously been involved with the preci-
23 sion tracking space system to conduct an analysis of
24 alternatives of such program.

1 (2) BASIS OF ANALYSIS.—The analysis under
2 paragraph (1) shall be based on a clear articulation
3 by the Director of—

4 (A) the ground-based sensors that will be
5 required to be maintained to aid the precision
6 tracking space system constellation;

7 (B) the number of satellites to be procured
8 for a first constellation, including the projected
9 lifetime of such satellites in the first constella-
10 tion, and the number projected to be procured
11 for a first and, if applicable, second replenish-
12 ment;

13 (C) the technological and acquisition risks
14 of such system;

15 (D) an evaluation of the technological ca-
16 pability differences between the precision track-
17 ing space system sensor and the space tracking
18 and surveillance system sensor; and

19 (E) the cost differences, as confirmed by
20 the Director of Cost Assessment and Program
21 Evaluation, between such systems, including
22 costs relating to launch services.

23 (3) ANALYSIS.—In conducting the analysis
24 under paragraph (1), the federally funded research
25 and development center shall—

1 (A) appoint a panel of independent study
2 leaders for such analysis;

3 (B) evaluate whether the precision tracking
4 space system, as planned by the Director in the
5 budget submitted to Congress under section
6 1105 of title 31, United States Code, for fiscal
7 year 2013, is the lowest cost sensor option with
8 respect to land-, air-, or space-based sensors, or
9 a combination thereof, to improve the homeland
10 missile defense of the United States, including
11 by adding discrimination capability to the
12 ground-based midcourse defense system;

13 (C) examine the overhead persistent infra-
14 red data or other data that is available as of
15 the date of the analysis that is not being used;

16 (D) determine how using the data de-
17 scribed in subparagraph (C) could improve sen-
18 sor coverage for the homeland missile defense of
19 the United States and regional missile defense
20 capabilities;

21 (E) study the plans of the Director to inte-
22 grate the precision tracking space system con-
23 cept into the ballistic missile defense system
24 and evaluate the concept or operations of such
25 use; and

1 (F) consider the agreement entered into
2 under subsection (d)(1).

3 (4) COST DETERMINATION.—In determining
4 costs under the analysis under paragraph (1), the
5 federally funded research and development center
6 shall take into account acquisition costs and oper-
7 ation and sustainment costs during the initial ten-
8 year and twenty-year periods.

9 (c) FURTHER LIMITATION.—

10 (1) SUBMITTAL AND WAIT.—Except as provided
11 by paragraph (2), none of the funds authorized to
12 be appropriated by this Act or otherwise made avail-
13 able for fiscal year 2013 for the precision tracking
14 space system may obligated or expended until—

15 (A) the Director submits to the congress-
16 sional defense committees the analysis under
17 subsection (b)(1); and

18 (B) a period of 60 days has elapsed fol-
19 lowing the date of such submittal.

20 (2) EXCEPTION.—The limitation in paragraph
21 (1) shall not apply to funds described in such para-
22 graph that are obligated or expended for technology
23 development activities.

24 (d) MEMORANDUM OF AGREEMENT.—

1 (1) IN GENERAL.—The Director shall enter into
2 a memorandum of agreement with the Commander
3 of the Air Force Space Command with respect to the
4 space situational awareness capabilities, require-
5 ments, design, and cost-sharing of the precision
6 tracking space system.

7 (2) SUBMITTAL.—The Director shall submit to
8 the congressional defense committees the agreement
9 entered into under paragraph (1).

10 **SEC. 232. PLAN TO IMPROVE DISCRIMINATION AND KILL**
11 **ASSESSMENT CAPABILITY OF BALLISTIC MIS-**
12 **SILE DEFENSE SYSTEMS.**

13 (a) PLAN.—The Director of the Missile Defense
14 Agency shall develop a plan to improve the discrimination
15 and kill assessment capability of ballistic missile defense
16 systems, particularly with respect to the ground-based
17 midcourse defense system.

18 (b) SUBMISSION.—Not later than December 31,
19 2012, the Director shall—

20 (1) transmit to the Secretary of Defense the
21 plan under subsection (a) to be used in the budget
22 materials submitted to the President by the Sec-
23 retary in connection with the submission to Con-
24 gress, pursuant to section 1105 of title 31, United
25 States Code, of the budget for fiscal year 2014; and

1 (2) submit to the congressional defense commit-
2 tees such plan.

3 **SEC. 233. PLAN TO INCREASE RATE OF FLIGHT TESTS OF**
4 **GROUND-BASED MIDCOURSE DEFENSE SYS-**
5 **TEM.**

6 (a) PLAN.—

7 (1) IN GENERAL.—The Director of the Missile
8 Defense Agency shall develop a plan to increase the
9 rate of flight tests and ground tests of the ground-
10 based midcourse defense system.

11 (2) RATE OF PLANNED FLIGHT TESTS.—The
12 plan under paragraph (1) shall ensure that there are
13 at least three flight tests conducted during every
14 two-year period unless the Director submits to the
15 congressional defense committees—

16 (A) written certification that such rate of
17 tests is not feasible or cost-effective; and

18 (B) an analysis explaining the reasoning of
19 such certification.

20 (b) SUBMISSION.—Not later than December 31,
21 2012, the Director shall—

22 (1) transmit to the Secretary of Defense the
23 plan under subsection (a)(1) to be used in the budg-
24 et materials submitted to the President by the Sec-
25 retary in connection with the submission to Con-

1 gress, pursuant to section 1105 of title 31, United
2 States Code, of the budget for fiscal year 2014; and

3 (2) submit to the congressional defense commit-
4 tees such plan.

5 **SEC. 234. REPORT ON REGIONAL MISSILE DEFENSE ARCHI-**
6 **TECTURES.**

7 Not later than 90 days after the date of the enact-
8 ment of this Act, the Secretary of Defense, in coordination
9 with the Chairman of the Joint Chiefs of Staff, shall sub-
10 mit to the congressional defense committees a report on—

11 (1) the regional missile defense architectures,
12 including the force structure and inventory require-
13 ments derived from such architectures; and

14 (2) the comprehensive force management proc-
15 ess to evaluate such requirements, including the ca-
16 pability, deployment, and resource outcomes that
17 such process has determined.

18 **SEC. 235. USE OF FUNDS FOR CONVENTIONAL PROMPT**
19 **GLOBAL STRIKE PROGRAM.**

20 The Secretary of Defense shall ensure that any funds
21 authorized to be appropriated by this Act or otherwise
22 made available for fiscal year 2013 for ground-testing ac-
23 tivities of the conventional prompt global strike program
24 are obligated or expended using competitive solicitation

1 procedures to involve industry as well as government part-
2 ners.

3 **SEC. 236. TRANSFER OF AEGIS WEAPON SYSTEM EQUIP-**
4 **MENT TO MISSILE DEFENSE AGENCY.**

5 (a) TRANSFER BY NAVY.—In accordance with section
6 230, the Secretary of the Navy may—

7 (1) transfer to the Director of the Missile De-
8 fense Agency Aegis weapon system equipment with
9 ballistic missile defense capability for use by the Di-
10 rector in the Aegis ashore site in the country the Di-
11 rector has designated as “Host Nation 1”;

12 (2) in ensuring the shipbuilding schedules of
13 ships affected by this section—

14 (A) obligate or expend unobligated funds
15 made available for fiscal year 2012 for ship-
16 building and conversion, Navy, for the DDG–51
17 Destroyer to deliver complete, mission-ready
18 Aegis weapon system equipment with ballistic
19 missile defense capability to a DDG–51 De-
20 stroyer for which funds were made available for
21 fiscal year 2012 under shipbuilding and conver-
22 sion, Navy; or

23 (B) use any Aegis weapon system equip-
24 ment acquired using such funds to deliver com-
25 plete, mission-ready Aegis weapon system

1 equipment with ballistic missile defense capa-
2 bility to a DDG–51 Destroyer for which funds
3 were made available for fiscal year 2012 under
4 shipbuilding and conversion, Navy; and

5 (3) treat equipment transferred to the Sec-
6 retary under subsection (b) as equipment acquired
7 using funds made available under shipbuilding and
8 conversion, Navy, for purposes of completing the
9 construction and outfitting of such equipment.

10 (b) TRANSFER BY MDA.—In accordance with section
11 230, upon the receipt of any equipment under subsection
12 (a), the Director of the Missile Defense Agency shall
13 transfer to the Secretary of the Navy Aegis weapon system
14 equipment with ballistic missile defense capability pro-
15 cured by the Director for installation in a shore-based
16 Aegis weapon system for use by the Secretary in the
17 DDG–51 Destroyer program.

18 **Subtitle D—Reports**

19 **SEC. 241. STUDY ON ELECTRONIC WARFARE CAPABILITIES** 20 **OF THE MARINE CORPS.**

21 (a) STUDY.—The Commandant of the Marine Corps
22 shall conduct a study on the future capabilities of the Ma-
23 rine Corps with respect to electronic warfare.

24 (b) REPORT.—

1 (1) IN GENERAL.—Not later than 90 days after
2 the date of the enactment of this Act, the Com-
3 mandant shall submit to the congressional defense
4 committees a report on the study conducted under
5 subsection (a).

6 (2) MATTERS INCLUDED.—The report under
7 paragraph (1) shall include the following:

8 (A) A detailed plan for EA-6B Prowler
9 aircraft squadrons.

10 (B) A solution for the replacement of such
11 aircraft.

12 (C) Concepts of operation for future air-
13 ground task force electronic warfare capabilities
14 of the Marine Corps.

15 (D) Any other issues that the Com-
16 mandant determines appropriate.

17 **SEC. 242. NATIONAL RESEARCH COUNCIL REVIEW OF DE-**
18 **FENSE SCIENCE AND TECHNICAL GRADUATE**
19 **EDUCATION NEEDS.**

20 (a) REVIEW.—The Secretary of Defense shall enter
21 into an agreement with the National Research Council to
22 conduct a review of specialized degree-granting graduate
23 programs of the Department of Defense in engineering,
24 applied sciences, and management.

1 (b) MATTERS INCLUDED.—At a minimum, the review
2 under subsection (a) shall address—

3 (1) the need by the Department of Defense and
4 the military departments for military and civilian
5 personnel with advanced degrees in engineering, ap-
6 plied sciences, and management, including a list of
7 the numbers of such personnel needed by discipline;

8 (2) an analysis of the sources by which the De-
9 partment of Defense and the military departments
10 obtain military and civilian personnel with such ad-
11 vanced degrees;

12 (3) the need for educational institutions under
13 the Department of Defense to meet the needs identi-
14 fied in paragraph (1);

15 (4) the costs and benefits of maintaining such
16 educational institutions, including costs relating to
17 directed research;

18 (5) the ability of private institutions or dis-
19 tance-learning programs to meet the needs identified
20 in paragraph (1);

21 (6) existing organizational structures, including
22 reporting chains, within the military departments to
23 manage the graduate education needs of the Depart-
24 ment of Defense and the military departments; and

1 (7) recommendations for improving the ability
2 of the Department of Defense to identify, manage,
3 and source the graduate education needs of the De-
4 partment.

5 (c) REPORT.—Not later than 30 days after the date
6 on which the review under subsection (a) is completed, the
7 Secretary shall submit to the congressional defense com-
8 mittees a report on the results of such review.

9 **SEC. 243. REPORT ON THREE-DIMENSIONAL INTEGRATED**
10 **CIRCUIT MANUFACTURING CAPABILITIES.**

11 (a) ASSESSMENT.—The Secretary of Defense shall
12 conduct a comprehensive assessment regarding the manu-
13 facturing capability of the United States to produce three-
14 dimensional integrated circuits to serve the national de-
15 fense interests of the United States.

16 (b) ELEMENTS.—The assessment under subsection
17 (a) shall include—

18 (1) an assessment of the military requirements
19 for using three-dimensional integrated circuits in fu-
20 ture microelectronic systems;

21 (2) an assessment of the current domestic com-
22 mercial capability to develop and manufacture three-
23 dimensional integrated circuits for use in military
24 systems, including a plan for alternative sources to

1 supply such circuits in case of shortages in the do-
2 mestic supply;

3 (3) an assessment of the feasibility, as well as
4 planning and design requirements, for the develop-
5 ment of a domestic manufacturing capability for
6 three-dimensional integrated circuits; and

7 (4) an assessment of any challenges that may
8 exist in the manufacturing capability of the United
9 States to produce three-dimensional integrated cir-
10 cuits (including a review of the challenges that may
11 exist in the manufacturing capability of the United
12 States to produce small-lot quantities of advanced
13 chips (200mm and 300mm)) and a general analysis
14 on potential ways to overcome these challenges and
15 encourage domestic commercial capability to develop
16 and manufacture three-dimensional integrated cir-
17 cuits for use in military systems.

18 (c) REPORT.—Not later than 90 days after the date
19 of the enactment of this Act, the Secretary shall submit
20 to the congressional defense committees a report on the
21 assessment under subsection (a).

22 (d) FORM.—The report under subsection (c) shall be
23 submitted in unclassified form, but may include a classi-
24 fied annex.

1 **SEC. 244. REPORT ON EFFORTS TO FIELD NEW DIRECTED**
2 **ENERGY WEAPONS.**

3 (a) REPORT.—Not later than 180 days after the date
4 of the enactment of this Act, the Secretary of Defense
5 shall submit to the congressional defense committees a re-
6 port summarizing efforts within the Department of De-
7 fense to transition mature and maturing directed energy
8 technologies to new operational weapon systems during
9 the five- to- ten-year period beginning on the date of the
10 report.

11 (b) MATTERS INCLUDED.—The report under sub-
12 section (a) shall include the following:

13 (1) Thorough assessments of—

14 (A) the maturity of high-energy laser,
15 high-power microwave, and millimeter wave
16 non-lethal technologies, both domestically and
17 foreign;

18 (B) missions for which directed energy
19 weapons could be used to substantially enhance
20 the current and planned military capabilities of
21 the United States;

22 (C) the potential for new directed energy
23 systems to reduce requirements for expendable
24 air and missile defense weapons;

25 (D) the status of and prognosis for foreign
26 directed energy programs;

1 (E) the potential vulnerabilities of military
2 systems of the United States to foreign directed
3 energy weapons and efforts by the Secretary to
4 mitigate such vulnerabilities; and

5 (F) a summary of actions the Secretary is
6 taking to ensure that the military will be the
7 global leader in directed energy capabilities.

8 (2) In light of the suitability of surface ships to
9 support a solid-state laser weapon based on mature
10 and maturing technologies, whether—

11 (A) the Department of the Navy should be
12 designated as lead service for fielding a 100 to
13 200 kilowatt-class laser to defend surface ships
14 against unmanned aircraft, cruise missile, and
15 fast attack craft threats; and

16 (B) the Secretary of the Navy should ini-
17 tiate a program of record to begin fielding a
18 ship-based solid-state laser weapon system.

19 (3) In light of the potential effectiveness of
20 high-power microwave weapons against sensors, bat-
21 tle management, and integrated air defense net-
22 works, whether—

23 (A) the Department of the Navy and the
24 Department of the Air Force should be des-
25 ignated as lead services for integrating high-

1 power microwave weapons on small air vehicles,
2 including cruise missiles and unmanned air-
3 craft; and

4 (B) the Secretary of the Air Force should
5 initiate a program of record to field a cruise
6 missile- or unmanned air vehicle-based high-
7 power microwave weapon.

8 (4) In light of the potential of mature chemical
9 laser technologies to counter air and ballistic missile
10 threats from relocatable fixed sites, whether the Sec-
11 retary of the Army should initiate a program of
12 record to develop and field a multi-megawatt class
13 chemical laser weapon system to defend forward air-
14 fields, ports, and other theater bases critical to fu-
15 ture operations.

16 (5) Whether the investments by the Secretary
17 of Defense in high-energy laser weapons research,
18 development, test, and evaluation are appropriately
19 prioritized across each military department and de-
20 fense-wide accounts to support the weaponization of
21 mature and maturing directed energy technologies
22 during the five- to- ten-year period beginning on the
23 date of the report, including whether sufficient funds
24 are allocated within budget area 4 and higher ac-

1 counts to prepare for near term weaponization op-
2 portunities.

3 (c) FORM.—The report under subsection (a) shall be
4 unclassified, but may include a classified annex.

5 **SEC. 245. REPORT ON AIR FORCE CYBER OPERATIONS.**

6 Not later than 180 days after the date of the enact-
7 ment of this Act, the Secretary of Defense shall submit
8 to the congressional defense committees a study of Air
9 Force cyber operations research, science, and technology.
10 The report shall include following:

11 (1) The near-, mid- and far-term research and
12 development priorities of the Secretary with respect
13 to cyber operations, including the resources needed
14 to execute such priorities.

15 (2) The percentage of research and development
16 funding of the Air Force that is used to support
17 cyber operations during each year covered by the fu-
18 ture-years defense program submitted to Congress
19 during 2012 under section 221 of title 10, United
20 States Code.

21 (3) The anticipated role of each of the installa-
22 tions of the Air Force Research Laboratory with re-
23 spect to cybersecurity research and development and
24 operational support during each year covered by
25 such future-years defense program.

1 (4) The resources, including both personnel and
2 funding, that are projected to support the Air Force
3 Research Laboratory in fulfilling such roles.

4 (5) Anticipated budget actions, if any, that the
5 Secretary of Defense and the Secretary of the Air
6 Force plan to take during fiscal year 2013 to ensure
7 that the Department of Defense and the Air Force
8 maintain the leadership role in cyber research.

9 (6) The plan of the Secretary of the Air Force
10 to integrate cyber operations into military oper-
11 ations.

12 (7) The ways in which the Secretary is recruit-
13 ing and retaining scientists and engineers at the Air
14 Force Research Laboratory involved with cyber oper-
15 ations research, including the use of the authorities
16 granted under the laboratory demonstration pro-
17 gram established by Section 342 of the National De-
18 fense Authorization Act for Fiscal Year 1995 and
19 section 1114 of the National Defense Authorization
20 Act for Fiscal Year 2001.

21 (8) Efforts to coordinate science and technology
22 cyber activities of the Air Force Research Labora-
23 tory with other Air Force organizations, including
24 the Air Force Institute of Technology and the Air

1 Force Institute of Technology Center for Cyberspace
2 Research.

3 (9) The potential benefit to the Air Force for
4 collaboration with private industry and the develop-
5 ment of cyber security technology clusters.

6 **Subtitle E—Other Matters**

7 **SEC. 251. ELIGIBILITY FOR DEPARTMENT OF DEFENSE** 8 **LABORATORIES TO ENTER INTO EDU-** 9 **CATIONAL PARTNERSHIPS WITH EDU-** 10 **CATIONAL INSTITUTIONS IN TERRITORIES** 11 **AND POSSESSIONS OF THE UNITED STATES.**

12 (a) ELIGIBILITY OF INSTITUTIONS IN TERRITORIES
13 AND POSSESSIONS.—Section 2194(f) of title 10, United
14 States Code, is amended by adding at the end the fol-
15 lowing new paragraph:

16 “(3) The term ‘United States’ includes the
17 Commonwealth of Puerto Rico, the Commonwealth
18 of the Northern Mariana Islands, and any other ter-
19 ritory or possession of the United States.”.

20 (b) TECHNICAL AMENDMENT.—Paragraph (2) of
21 such section is amended by inserting “(20 U.S.C. 7801)”
22 before the period.

23 **SEC. 252. REGIONAL ADVANCED TECHNOLOGY CLUSTERS.**

24 (a) DEVELOPMENT OF INNOVATIVE ADVANCED
25 TECHNOLOGIES.—The Secretary of Defense may use the

1 research and engineering network of the Department of
2 Defense, including the organic industrial base, to support
3 regional advanced technology clusters established by the
4 Secretary of Commerce to encourage the development of
5 innovative advanced technologies, including advanced ro-
6 botics, advanced defense systems, power and energy inno-
7 vations, systems to mitigate manmade and naturally oc-
8 ccurring electromagnetic pulse or high-powered micro-
9 waves, cybersecurity and applied lightweight materials, to
10 address national security and homeland defense chal-
11 lenges.

12 (b) DESIGNATION OF LEAD OFFICE.—Not later than
13 60 days after the date of the enactment of this Act, the
14 Under Secretary of Defense for Acquisition, Technology,
15 and Logistics shall—

16 (1) designate an office within the Department
17 of Defense with the lead responsibility for enhancing
18 the use of regional advanced technology clusters by
19 the Department; and

20 (2) notify the appropriate congressional com-
21 mittees of such designation.

22 (c) REPORT.—Not later than 180 days after the date
23 of the enactment of this Act, the Under Secretary shall
24 submit to the appropriate congressional committees a re-
25 port describing—

1 (1) the participation of the Department of De-
2 fense in regional advanced technology clusters;

3 (2) implementation by the Department of proc-
4 esses and tools to facilitate collaboration with the
5 clusters; and

6 (3) agreements established by the Department
7 with the Department of Commerce to jointly support
8 the continued growth of the clusters.

9 (d) COLLABORATION.—The Secretary of Defense
10 may meet, collaborate, and share resources with other
11 Federal agencies for purposes of assisting in the expansion
12 of regional advanced technology clusters under this sec-
13 tion.

14 (e) DEFINITIONS.—In this section:

15 (1) The term “appropriate congressional com-
16 mittees” means—

17 (A) the congressional defense committees;

18 (B) the Committee on Commerce, Science,
19 and Transportation of the Senate; and

20 (C) the Committee on Energy and Com-
21 merce of the House of Representatives.

22 (2) The term “regional advanced technology
23 clusters” means geographic centers focused on build-
24 ing science and technology-based innovation capacity

1 in areas of local and regional strength to foster eco-
2 nomic growth and improve quality of life.

3 **SEC. 253. BRIEFING ON POWER AND ENERGY RESEARCH**
4 **CONDUCTED AT UNIVERSITY AFFILIATED RE-**
5 **SEARCH CENTER.**

6 Not later than February 28, 2013, the Secretary of
7 Defense shall brief the Committees on Armed Services of
8 the Senate and House of Representatives on power and
9 energy research conducted at the University Affiliated Re-
10 search Centers. The briefing shall include—

11 (1) a description of research conducted with
12 other university based energy centers; and

13 (2) a description of collaboration efforts with
14 university-based research centers on energy research
15 and development activities, particularly with centers
16 that have an expertise in energy efficiency and re-
17 newable energy, including—

18 (A) lighting;

19 (B) heating;

20 (C) ventilation and air-conditioning sys-
21 tems; and

22 (D) renewable energy integration.

1 **TITLE III—OPERATION AND**
2 **MAINTENANCE**
3 **Subtitle A—Authorization of**
4 **Appropriations**

5 **SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

6 Funds are hereby authorized to be appropriated for
7 fiscal year 2013 for the use of the Armed Forces and other
8 activities and agencies of the Department of Defense for
9 expenses, not otherwise provided for, for operation and
10 maintenance, as specified in the funding table in section
11 4301.

12 **SEC. 302. AUTHORIZATION OF APPROPRIATIONS OF FUNDS**
13 **FOR INACTIVATION EXECUTION OF U.S.S. EN-**
14 **TERPRISE.**

15 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
16 are hereby authorized to be appropriated to the Secretary
17 of the Navy for fiscal year 2013 for inactivation execution
18 of the U.S.S. Enterprise (CVN 65) as specified in the
19 funding table in section 4301.

20 (b) **LIMITATION.**—The total amount obligated and
21 expended by the Secretary of the Navy for the inactivation
22 execution of the U.S.S. Enterprise may not exceed
23 \$708,000,000.

24 (c) **CONTRACT AUTHORITY.**—

1 (1) IN GENERAL.—Subject to the availability of
2 funds under subsection (a) and the condition in
3 paragraph (2), the Secretary of the Navy may enter
4 into a contract during fiscal year 2013 for the inac-
5 tivation execution of the U.S.S. Enterprise.

6 (2) CONDITION FOR OUT-YEAR CONTRACT PAY-
7 MENTS.—A contract entered into under paragraph
8 (1) shall provide that any obligation of the United
9 States to make a payment under the contract for a
10 fiscal year after fiscal year 2013 is subject to the
11 availability of appropriations for that purpose for
12 that fiscal year.

13 **Subtitle B—Energy and** 14 **Environmental Provisions**

15 **SEC. 311. TRAINING RANGE SUSTAINMENT PLAN AND** 16 **TRAINING RANGE INVENTORY.**

17 Section 366 of the Bob Stump National Defense Au-
18 thorization Act for Fiscal Year 2003 (Public Law 107–
19 314; 116 Stat. 2522; 10 U.S.C. 113 note), as most re-
20 cently amended by section 348 of the John Warner Na-
21 tional Defense Authorization Act for Fiscal Year 2007
22 (Public Law 109–364; 120 Stat. 2159) is amended in sub-
23 sections (a)(5) and (e)(2), by striking “fiscal years 2005
24 through 2013” and inserting “fiscal years 2005 through
25 2018”.

1 **SEC. 312. MODIFICATION OF DEFINITION OF CHEMICAL**
2 **SUBSTANCE.**

3 Section 3(2)(B)(v) of the Toxic Substances Control
4 Act (15 U.S.C. 2602(2)(B)(v)) is amended by inserting
5 “, or any component of any such article including, without
6 limitation, shot, bullets and other projectiles, propellants,
7 and primers” before “, and”.

8 **SEC. 313. EXEMPTION OF DEPARTMENT OF DEFENSE FROM**
9 **ALTERNATIVE FUEL PROCUREMENT RE-**
10 **QUIREMENT.**

11 Section 526 of the Energy Independence and Security
12 Act of 2007 (Public Law 110–140; 42 U.S.C. 17142) is
13 amended by adding at the end the following: “This section
14 shall not apply to the Department of Defense.”.

15 **SEC. 314. LIMITATION ON AVAILABILITY OF FUNDS FOR**
16 **PROCUREMENT OF ALTERNATIVE FUEL.**

17 (a) **LIMITATION.**—Except as provided in subsection
18 (b), none of the funds authorized to be appropriated by
19 this Act or otherwise made available during fiscal year
20 2013 for the Department of Defense may be obligated or
21 expended for the production or purchase of any alternative
22 fuel if the cost of producing or purchasing the alternative
23 fuel exceeds the cost of producing or purchasing a tradi-
24 tional fossil fuel that would be used for the same purpose
25 as the alternative fuel.

1 (b) EXCEPTION.—Notwithstanding subsection (a),
2 the Secretary of Defense may purchase such limited quan-
3 tities of alternative fuels as are necessary to complete fleet
4 certification for 50/50 blends. In such instances, the Sec-
5 retary shall purchase such alternative fuel using competi-
6 tive procedures and ensure the best purchase price for the
7 fuel.

8 **SEC. 315. PLAN ON ENVIRONMENTAL EXPOSURES TO MEM-**
9 **BERS OF THE ARMED FORCES.**

10 (a) PLAN.—Not later than 150 days after the date
11 of the enactment of this Act, the Secretary of Defense
12 shall develop a plan on the time line of the Secretary to
13 develop a material solution to measure environmental ex-
14 posures to members of the Armed Forces in the conti-
15 nental United States and outside the continental United
16 States.

17 (b) MATTERS INCLUDED.—The plan under sub-
18 section (a) shall include the following:

19 (1) A time line for identifying relevant materiel
20 solutions that would facilitate the Secretary identi-
21 fying members of the Armed Forces who have indi-
22 vidual exposures to environmental hazards.

23 (2) A time line, and estimated cost, of devel-
24 oping and deploying the material solution described
25 in paragraph (1).

1 United States Code, is amended by adding at the end the
2 following new section:

3 **“§ 2283. Establishment of the Southern Sea Otter**
4 **Military Readiness Areas**

5 “(a) ESTABLISHMENT.—The Secretary of Defense
6 shall establish areas, to be known as ‘Southern Sea Otter
7 Military Readiness Areas’, for national defense purposes.
8 Such areas shall include each of the following:

9 “(1) The area that includes Naval Base Ven-
10 tura County, San Nicolas Island, and Begg Rock
11 and the adjacent and surrounding waters within the
12 following coordinates:

13 “N. Latitude/W. Longitude

14 “33°27.8′/119°34.3′

15 “33°20.5′/119°15.5′

16 “33°13.5′/119°11.8′

17 “33°06.5′/119°15.3′

18 “33°02.8′/119°26.8′

19 “33°08.8′/119°46.3′

20 “33°17.2′/119°56.9′

21 “33°30.9′/119°54.2′.

22 “(2) The area that includes Naval Base Coro-
23 nado, San Clemente Island and the adjacent and
24 surrounding waters running parallel to shore to 3
25 nautical miles from the high tide line, as designated

1 by part 165 of title 33, Code of Federal Regulations,
2 on May 20, 2010, as the San Clemente Island 3NM
3 Safety Zone.

4 “(3) The area that includes Marine Corps Base
5 Camp Pendleton and the adjacent waters within the
6 following coordinates:

7 “Latitude/W. Longitude

8 “33°26.6′/117°38.9′

9 “33°21.3′/117°45.8′

10 “32°56.2′/117°39.7′

11 “33°6.5′/117°28.5′

12 “33°10.2′/117°23.7′

13 “33°11.8′/117°23.2′

14 “33°26.6′/117°38.9′.

15 “(b) ACTIVITIES WITHIN THE SOUTHERN SEA
16 OTTER MILITARY READINESS AREAS.—

17 “(1) INCIDENTAL TAKINGS UNDER ENDAN-
18 GERED SPECIES ACT OF 1973.—Sections 4 and 9 of
19 the Endangered Species Act of 1973 (16 U.S.C.
20 1533, 1538) shall not apply with respect to the inci-
21 dental taking of any southern sea otter in the South-
22 ern Sea Otter Military Readiness Areas in the
23 course of conducting a military readiness activity.

24 “(2) INCIDENTAL TAKINGS UNDER MARINE
25 MAMMAL PROTECTION ACT OF 1972.—Sections 101

1 and 102 of the Marine Mammal Protection Act of
2 1972 (16 U.S.C. 1371, 1372) shall not apply with
3 respect to the incidental taking of any southern sea
4 otter in the Southern Sea Otter Military Readiness
5 Areas in the course of conducting military readiness
6 activities.

7 “(3) TREATMENT AS SPECIES PROPOSED TO BE
8 LISTED.—For purposes of any military readiness ac-
9 tivity, any southern sea otter while within the South-
10 ern Sea Otter Military Readiness Areas shall be
11 treated for the purposes of section 7 of the Endan-
12 gered Species Act of 1973 (16 U.S.C. 1536) as a
13 member of a species that is proposed to be listed as
14 an endangered species or a threatened species under
15 section 4 of the Endangered Species Act of 1973 (16
16 U.S.C. 1533).

17 “(c) REMOVAL.—Nothing in this section or any other
18 Federal law shall be construed to require the removal of
19 any southern sea otter located within the Southern Sea
20 Otter Military Readiness Areas as of the date of the enact-
21 ment of this section or thereafter.

22 “(d) REVISION OR TERMINATION OF EXCEPTIONS.—
23 The Secretary of the Interior may revise or terminate the
24 application of subsection (b) if the Secretary of the Inte-
25 rior, in consultation with, and with the concurrence of, the

1 Secretary of the Navy, determines that military activities
2 occurring in the Southern Sea Otter Military Readiness
3 Areas are substantially impeding southern sea otter con-
4 servation or the return of southern sea otters to optimum
5 sustainable population levels.

6 “(e) MONITORING.—

7 “(1) IN GENERAL.—The Secretary of the Navy,
8 in consultation and in cooperation with the Sec-
9 retary of the Interior, shall monitor the Southern
10 Sea Otter Military Readiness Areas not less often
11 than every year to evaluate the status of the south-
12 ern sea otter population.

13 “(2) REPORTS.—Within 18 months after the ef-
14 fective date of this section and every three years
15 thereafter, the Secretaries of the Navy and the Inte-
16 rior shall jointly report to Congress and the public
17 on monitoring undertaken pursuant to paragraph
18 (1).

19 “(f) DEFINITIONS.—In this section:

20 “(1) The term ‘incidental taking’ means any
21 take of a southern sea otter that is incidental to,
22 and not the purpose of, the carrying out of an other-
23 wise lawful activity.

24 “(2) The term ‘optimum sustainable population’
25 means, with respect to any population stock, the

1 number of animals that will result in the maximum
2 productivity of the population or the species, keeping
3 in mind the carrying capacity of the habitat and the
4 health of the ecosystem of which they form a con-
5 stituent element.

6 “(3) The term ‘southern sea otter’ means any
7 member of the subspecies *Enhydra lutris nereis*.

8 “(4) The term ‘take’—

9 “(A) when used in reference to activities
10 subject to regulation by the Endangered Species
11 Act of 1973 (16 U.S.C. 1531–1544) shall have
12 the meaning given such term in that Act; and

13 “(B) when used in reference to activities
14 subject to regulation by the Marine Mammal
15 Protection Act of 1972 (16 U.S.C. 1361–
16 1423h), shall have the meaning given such term
17 in that Act.

18 “(5) The term ‘military readiness activity’ has
19 the meaning given that term in section 315(f) of the
20 Bob Stump National Defense Authorization Act for
21 Fiscal Year 2003 (Public Law 107–314; 16 U.S.C.
22 703 note), and includes all training and operations
23 of the Armed Forces that relate to combat, and the
24 adequate and realistic testing of military equipment,

1 vehicles, weapons, and sensors for proper operation
2 and suitability for combat use.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of such chapter is amended by adding
5 at the end the following:

“2283. Establishment of the Southern Sea Otter Military Readiness Areas.”.

6 (c) CONSERVATION AND MANAGEMENT ACTIONS.—
7 Section 1 of Public Law 99–625 (16 U.S.C. 1536 note)
8 is amended by adding at the end the following:

9 “(g) CONSERVATION AND MANAGEMENT ACTIONS.—
10 If the Secretary issues a final rule ending the management
11 plan authorized under subsection (b) through the termi-
12 nation of the regulations implementing such plan—

13 “(1) the Secretary, in planning and imple-
14 menting recovery and conservation measures under
15 the Act to allow for the expansion of the range of
16 the population of the sea otter, shall coordinate and
17 cooperate with—

18 “(A) the Secretary of the Navy;

19 “(B) the Secretary of Commerce regarding
20 recovery efforts for species listed under the Act;
21 and

22 “(C) the State of California to assist the
23 State in continuing viable commercial harvest of
24 State fisheries; and

1 “(2) interaction with sea otters in the course of
2 engaging in fishing in any State fishery south of
3 Point Conception, California, under an authorization
4 issued by the State of California shall not be treated
5 as a violation of section 9 of the Act for incidental
6 take or of the Marine Mammal Protection Act of
7 1972.”.

8 **SEC. 317. AUTHORITY OF SECRETARY OF A MILITARY DE-**
9 **PARTMENT TO ENTER INTO COOPERATIVE**
10 **AGREEMENTS WITH INDIAN TRIBES FOR**
11 **LAND MANAGEMENT ASSOCIATED WITH MILI-**
12 **TARY INSTALLATIONS AND STATE-OWNED**
13 **NATIONAL GUARD INSTALLATIONS.**

14 (a) INCLUSION OF INDIAN TRIBES.—Section 103A(a)
15 of the Sikes Act (16 U.S.C. 670c–1(a)) is amended in the
16 matter preceding paragraph (1) by inserting “Indian
17 tribes,” after “local governments,”.

18 (b) INDIAN TRIBE DEFINED.—Section 100 of such
19 Act (16 U.S.C. 670) is amended by adding at the end the
20 following new paragraph:

21 “(6) INDIAN TRIBE.—The term ‘Indian tribe’
22 means any Indian tribe, band, nation, or other orga-
23 nized group or community, including any Alaska Na-
24 tive village or regional or village corporation as de-
25 fined in or established pursuant to the Alaska Na-

1 tive Claims Settlement Act (43 U.S.C. 1601 et seq.),
2 which is recognized as eligible for the special pro-
3 grams and services provided by the United States to
4 Indians because of their status as Indians.”.

5 **SEC. 318. SENSE OF CONGRESS REGARDING DECON-**
6 **TAMINATION OF FORMER BOMBARDMENT**
7 **AREA ON ISLAND OF CULEBRA, PUERTO**
8 **RICO.**

9 (a) FINDINGS.—The Congress finds the following—

10 (1) Section 2815 of the Ike Skelton National
11 Defense Authorization Act for Fiscal Year 2011
12 (Public Law 111–383; 124 Stat. 4464) requires the
13 Secretary of Defense within 270 days of receiving a
14 request from the government of Puerto Rico, to con-
15 duct a study assessing the presence of unexploded
16 ordnance, and any threat to public health, public
17 safety and the environment posed by such
18 unexploded ordnance, in the portion of the former
19 bombardment area on the island of Culebra, Puerto
20 Rico, that was transferred to the government of
21 Puerto Rico by quitclaim deed on August 11, 1982.

22 (2) On April 25, 2011, the Governor of Puerto
23 Rico formally requested by letter that the Secretary
24 of Defense commence this study.

1 (3) On May 25, 2011, the Deputy Under Sec-
2 retary of Defense for Installations and Environment
3 acknowledged receipt of the Governor’s letter on be-
4 half of the Secretary of Defense, and affirmed that
5 the Department of Defense would conduct the study
6 in accordance with such section 2815 and provide
7 the final report to Congress no later than 270 days
8 from the date of the Governor’s letter.

9 (4) January 20, 2012, marked the date 270
10 days after the Governor’s letter of April 25, 2011.

11 (5) Section 204(c) of the Military Construction
12 Authorization Act, 1974 (Public Law 93–166; 87
13 Stat. 668) stated that “the present bombardment
14 area on the island of Culebra shall not be utilized
15 for any purpose that would require decontamination
16 at the expense of the United States.” The Depart-
17 ment of Defense has interpreted this provision to
18 constitute a permanent prohibition on the use of
19 Federal funds in the area of Culebra referenced in
20 such section to pay for decontamination and removal
21 of unexploded ordnance, although it may be war-
22 ranted to protect public health, public safety, and
23 the environment.

24 (b) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that—

1 (1) the Secretary of Defense should expedi-
2 tiously submit to the Committees on Armed Services
3 of the Senate and House of Representatives the final
4 report prepared in accordance with section 2815 of
5 the Ike Skelton National Defense Authorization Act
6 for Fiscal Year 2011 (Public Law 111–383; 124
7 Stat. 4464);

8 (2) if that report indicates that decontamina-
9 tion and removal of unexploded ordnance in the por-
10 tion of the former bombardment area on Culebra
11 that was transferred to the government of Puerto
12 Rico by quitclaim deed on August 11, 1982, could
13 be conducted at reasonable cost to the Federal Gov-
14 ernment, it is appropriate for Congress to amend
15 section 204(c) of the Military Construction Author-
16 ization Act, 1974 (Public Law 93–166; 87 Stat.
17 668) to authorize such decontamination and removal
18 of unexploded ordnance; and

19 (3) any removal of unexploded ordnance should
20 be accomplished pursuant to the normal
21 prioritization process established by the Department
22 of Defense under the Military Munitions Response
23 Program within the Defense Environmental Restora-
24 tion Program.

1 **Subtitle C—Logistics and**
2 **Sustainment**

3 **SEC. 321. EXPANSION AND REAUTHORIZATION OF MULTI-**
4 **TRADES DEMONSTRATION PROJECT.**

5 (a) EXPANSION.—Section 338 of the National De-
6 fense Authorization Act for Fiscal Year 2004 (Public Law
7 108–136; 10 U.S.C. 5013 note), as most recently amended
8 by section 329 of the National Defense Authorization Act
9 for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 67),
10 is amended—

11 (1) by striking subsection (a) and inserting the
12 following new subsection:

13 “(a) DEMONSTRATION PROJECT AUTHORIZED.—In
14 accordance with subsection 4703 of title 5, United States
15 Code, the Secretary of a military department may carry
16 out a demonstration project at facilities described in sub-
17 section (b) under which workers who are certified at the
18 journey level as able to perform multiple trades shall be
19 promoted by one grade level.”; and

20 (2) in subsection (b), by striking “Logistics
21 Center, Navy Fleet Readiness Center,” and inserting
22 “Logistics Complex, Navy Fleet Readiness Center,
23 Navy shipyard, Marine Corps Logistics Base,”.

24 (b) REAUTHORIZATION.—Such section is further
25 amended—

1 (1) in subsection (d), by striking “2013” and
2 inserting “2018”; and

3 (2) in subsection (e), by striking “2014” and
4 inserting “2019”.

5 **SEC. 322. DEPOT-LEVEL MAINTENANCE AND REPAIR.**

6 (a) AMENDMENTS TO DEFINITION OF DEPOT-LEVEL
7 MAINTENANCE AND REPAIR.—Section 2460 of title 10,
8 United States Code, is amended—

9 (1) in paragraph (1)—

10 (A) by inserting after “software” the fol-
11 lowing: “during the course of a customary
12 depot-level maintenance action”; and

13 (B) by striking “or the modification or re-
14 build of end-items,” and inserting “retrofit,
15 modification, upgrade, or rebuild of end items,
16 components,”;

17 (2) in paragraph (1)(B), by striking “and” at
18 the end;

19 (3) in paragraph (2)(B), by striking “change
20 events made to operational software, integration and
21 testing” and inserting “and change events (including
22 integration and testing) made to operational soft-
23 ware”;

24 (4) in paragraph (2)(C), by striking the period
25 and inserting “; and”; and

1 (5) by adding at the end the following new
2 paragraph:

3 “(3) excludes—

4 “(A) the nuclear refueling or defueling of
5 an aircraft carrier and any concurrent complex
6 overhaul; and

7 “(B) the procurement of major modifica-
8 tions or upgrades designed to significantly im-
9 prove the performance or safety of a weapon
10 system or major end item.”.

11 (b) AMENDMENTS RELATING TO CORE DEPOT-
12 LEVEL MAINTENANCE AND REPAIR CAPABILITIES.—

13 (1) ASSOCIATED CAPACITY.—Section
14 2464(a)(3)(A) of title 10, United States Code, is
15 amended by striking “and capacity required in para-
16 graph (1)” and inserting “required in paragraph (1)
17 and the associated capacity to maintain those capa-
18 bilities in accordance with paragraph (2)”.

19 (2) DIRECT SUPPORT OF ASSOCIATED LOGIS-
20 TICS CAPABILITIES.—Section 2464(a)(3)(B) of such
21 title is amended by inserting “in direct support of
22 depot-level maintenance and repair” after “associ-
23 ated logistics capabilities”.

24 (3) TIME OF FIELDING.—Section 2464(a)(3) of
25 such title is further amended by adding at the end

1 the following new sentence: “If a weapon system or
2 item of military equipment does not have an offi-
3 cially scheduled initial operational capability, the
4 weapon system or item is considered fielded at the
5 time when, as part of combined or individual oper-
6 ation, it provides a warfighting capability, unless the
7 Secretary waives this paragraph under subsection
8 (b)(1)(A) based on a determination that the system
9 or item is not an enduring element of the national
10 defense strategy.”.

11 (3) REQUIREMENT TO NOTIFY CONGRESS BE-
12 FORE ISSUANCE OF WAIVER.—Section 2464(b)(3) of
13 such title is amended by striking “within 30 days of
14 issuance” and inserting “at least 30 days before
15 issuance of the waiver”.

16 (4) PROHIBITION ON DELEGATION OF CERTAIN
17 WAIVER AUTHORITY.—Section 2464(b) of such title
18 is amended by adding at the end the following new
19 paragraph:

20 “(4) The authority of the Secretary of Defense to
21 waive the requirement in subsection (a)(3) on the basis
22 of a determination under paragraph (1)(A) or (1)(B) may
23 not be delegated.”.

1 (5) EXCLUSION OF NUCLEAR AIRCRAFT CAR-
2 RIERS AND SPECIAL ACCESS PROGRAMS.—Section
3 2464 of such title is further amended—

4 (A) by redesignating subsections (d), (e),
5 (f), and (g) as subsections (e), (f), (g), and (h),
6 respectively; and

7 (B) by inserting after subsection (c) the
8 following new subsection (d):

9 “(d) EXCLUSION OF NUCLEAR AIRCRAFT CARRIERS
10 AND SPECIAL ACCESS PROGRAMS.—(1) The requirement
11 in subsection (a)(3) shall not apply to nuclear aircraft car-
12 riers.

13 “(2) The requirement in subsection (a)(3) shall not
14 apply to special access programs.”.

15 (6) ANNUAL SPECIAL ACCESS PROGRAM CORE
16 CAPABILITY REVIEW.—Section 2464 of such title is
17 further amended by adding at the end the following
18 new subsection:

19 “(i) BIENNIAL SPECIAL ACCESS PROGRAM CORE CA-
20 PABILITY REVIEW.—Notwithstanding the inapplicability
21 of subsection (a)(3) to special access programs (as pro-
22 vided in subsection (d)), the Secretary of Defense shall,
23 not later than April 1 on each even-numbered year, con-
24 duct a review of each special access program in existence
25 during the two fiscal years preceding the fiscal year during

1 which the review is conducted to determine the core depot
2 maintenance and repair capabilities required to provide a
3 ready and controlled source of technical competence, and
4 the resources that would be required to establish a core
5 capability if it becomes necessary. The Secretary of De-
6 fense shall include the results of such review in the form
7 of a classified annex to the biennial core report required
8 under subsection (f).”.

9 (7) AMENDMENTS FOR CONSISTENCY IN USE OF
10 TERMS.—Section 2464 of such title is further
11 amended—

12 (A) in subsection (a)(1), by striking “a
13 core depot-level maintenance and repair capa-
14 bility” and inserting “core depot-level mainte-
15 nance and repair capabilities”;

16 (B) in subsection (a)(2), by striking “This
17 core depot-level maintenance and repair capa-
18 bility” and inserting “The core depot-level
19 maintenance and repair capabilities required in
20 paragraph (1)”;

21 (C) in subsection (e)(1), as redesignated by
22 paragraph (5), by striking “a core depot-level
23 maintenance and repair capability” and insert-
24 ing “core depot-level maintenance and repair
25 capabilities”.

1 (8) CONFORMING AMENDMENTS.—Section
2 2464(b) of such title is further amended—

3 (A) in paragraph (1)—

4 (i) by striking subparagraph (B);

5 (ii) by inserting “or” at the end of
6 subparagraph (A); and

7 (iii) by redesignating subparagraph
8 (C) as subparagraph (B);

9 (B) by striking paragraph (2); and

10 (C) by redesignating paragraph (3) as
11 paragraph (2) and in that paragraph by strik-
12 ing “or (2)”.

13 **SEC. 323. SENSE OF CONGRESS REGARDING THE PERFORM-**
14 **ANCE OF COMMERCIALY-AVAILABLE ACTIVI-**
15 **TIES BY DEPARTMENT OF DEFENSE CIVILIAN**
16 **EMPLOYEES.**

17 (a) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that—

19 (1) our Nation’s economic strength is charac-
20 terized by individual freedom and the competitive
21 enterprise system, and as such, the Federal Govern-
22 ment should not compete with its citizens and pri-
23 vate enterprise;

24 (2) in recognition of this policy, the Govern-
25 ment should rely on commercially available sources

1 to provide commercial products and services and
2 should not start or carry on any activity to provide
3 a commercial product or service if the product or
4 service can be procured more economically from a
5 commercial source;

6 (3) this policy conforms with Department of
7 Defense Total Force Management procedures aimed
8 at improving total manpower requirements, deter-
9 minations, and planning to facilitate decisions re-
10 garding which sector (military, civilian, or contractor
11 personnel) should perform each requirement; and

12 (4) the Department of Defense should not con-
13 vert the performance of any function from perform-
14 ance by a contractor to performance by Department
15 of Defense civilian employees unless the function is
16 inherently governmental in nature or the conversion
17 is necessary to comply with section 129a of title 10,
18 United States Code, as amended by this Act.

19 (b) DEFINITION OF INHERENTLY GOVERN-
20 MENTAL.—In this section, the term “inherently govern-
21 mental” has the meaning given that term in section 5(2)
22 of the Federal Activities Inventory Reform Act of 1998
23 (Public Law 105–270; 112 Stat. 2384; 31 U.S.C. 501
24 note).

1 **Subtitle D—Readiness**

2 **SEC. 331. INTERGOVERNMENTAL SUPPORT AGREEMENTS** 3 **WITH STATE AND LOCAL GOVERNMENTS.**

4 (a) AGREEMENTS AUTHORIZED.—Section 2391 of
5 title 10, United States Code, is amended—

6 (1) by redesignating subsections (d) and (e) as
7 subsections (e) and (f), respectively; and

8 (2) by inserting after subsection (c) the fol-
9 lowing new subsection:

10 “(c) INTERGOVERNMENTAL SUPPORT AGREEMENTS
11 WITH STATE AND LOCAL GOVERNMENTS.—(1) The Sec-
12 retary of the military department concerned may enter
13 into an intergovernmental support agreement with a State
14 or local government to provide, receive, or share installa-
15 tion-support services when such an agreement—

16 “(A) serves the best interests of the military de-
17 partment by enhancing mission effectiveness or cre-
18 ating efficiencies or economies of scale, including by
19 reducing costs;

20 “(B) serves the best interest of State or local
21 government party to the agreement, as determined
22 by the community’s particular circumstances; and

23 “(C) otherwise provides a mutual benefit to the
24 military department and the State or local govern-
25 ment.

1 “(2) The authority provided by this subsection and
2 limitations on its use are not intended to revoke, preclude,
3 or otherwise interfere with existing or proposed mutual-
4 aid agreements relating to police or fire protection services
5 or other similar first responder agreements or arrange-
6 ments.

7 “(3) Funds available to the Secretary of the military
8 department concerned for installation support may be
9 used to reimburse a State or local government for pro-
10 viding installation-support services pursuant to an agree-
11 ment under this subsection. Funds received by the Sec-
12 retary as reimbursement for providing installation-support
13 services pursuant to the agreement shall be credited to the
14 appropriation or account charged with providing installa-
15 tion support.”.

16 (b) **INSTALLATION-SUPPORT SERVICES DEFINED.**—
17 Subsection (e) of section 2391 of title 10, United States
18 Code, as redesignated by subsection (a)(1) of this section,
19 is amended by adding at the end the following new para-
20 graph:

21 “(4) The term ‘installation-support services’
22 means those services, supplies, resources, and sup-
23 port provided typically by a local government, except
24 that the term does not include or authorize police or
25 fire protection services.”.

1 **SEC. 332. EXTENSION AND EXPANSION OF AUTHORITY TO**
2 **PROVIDE ASSURED BUSINESS GUARANTEES**
3 **TO CARRIERS PARTICIPATING IN CIVIL RE-**
4 **SERVE AIR FLEET.**

5 (a) EXTENSION.—Subsection (k) of section 9515 of
6 title 10, United States Code, is amended by striking “De-
7 cember 31, 2015” and inserting “December 31, 2020”.

8 (b) APPLICATION TO ALL SEGMENTS OF CRAF.—
9 Such section is further amended—

10 (1) in subsection (a)(3), by striking “pas-
11 senger”; and

12 (2) in subsection (j), by striking “, except that
13 it only means such transportation for which the Sec-
14 retary of Defense has entered into a contract for the
15 purpose of passenger travel”.

16 **SEC. 333. EXPANSION AND REAUTHORIZATION OF PILOT**
17 **PROGRAM FOR AVAILABILITY OF WORKING-**
18 **CAPITAL FUNDS FOR PRODUCT IMPROVE-**
19 **MENTS.**

20 (a) EXPANSION.—Section 330 of the National De-
21 fense Authorization Act for Fiscal Year 2008 (Public Law
22 110–181; 122 Stat. 68) is amended—

23 (1) in subsection (a), by inserting “, the Sec-
24 retary of the Navy, and the Secretary of the Air
25 Force (in this section referred to as the ‘Secretary
26 concerned’)” after “the Secretary of the Army”;

1 (2) in subsection (d)—

2 (A) by inserting “by the Secretary con-
3 cerned” after “submitted”; and

4 (B) by inserting “by the Secretary con-
5 cerned” after “used”; and

6 (3) in subsection (e)—

7 (A) in paragraph (1), by striking “the As-
8 sistant Secretary of the Army for Acquisition,
9 Logistics, and Technology, in consultation with
10 the Assistant Secretary of the Army for Finan-
11 cial Management and Comptroller,” and insert-
12 ing “the Secretary concerned”; and

13 (B) in paragraph (2), by striking “the As-
14 sistant Secretary of the Army for Acquisition,
15 Logistics, and Technology” and inserting “the
16 Secretary concerned”.

17 (b) COVERED PRODUCT IMPROVEMENTS.—Sub-
18 section (b) of such section is amended—

19 (1) by inserting “retrofit, modernization, up-
20 grade, or rebuild of a” before “component”; and

21 (2) by striking “reliability and maintainability”
22 and inserting “reliability, availability, and maintain-
23 ability”.

1 (c) LIMITATION ON CERTAIN PROJECTS.—Sub-
2 section (c)(1) of such section is amended by striking “per-
3 formance envelope” and inserting “capability”.

4 (d) REPORTING REQUIREMENT.—Subsection (e) of
5 such section is amended—

6 (1) in paragraph (2), by striking “2012” and
7 inserting “2017”; and

8 (2) in paragraph (3), by striking “60 days” and
9 inserting “45 days”.

10 (e) EXTENSION.—Subsection (f) of such section, as
11 amended by section 354 of the National Defense Author-
12 ization Act for Fiscal Year 2012 (Public Law 112–81; 125
13 Stat. 1377), is further amended by striking “2014” and
14 inserting “2018”.

15 (f) CLERICAL AMENDMENT.—The heading of such
16 section is amended by striking “**TO ARMY**”.

17 **SEC. 334. CENTER OF EXCELLENCE FOR THE NATIONAL**
18 **GUARD STATE PARTNERSHIP PROGRAM.**

19 (a) IN GENERAL.—Chapter 5 of title 32, United
20 States Code, is amended by adding at the end the fol-
21 lowing new section:

22 **“§ 510. Center of Excellence for the National Guard**
23 **State Partnership Program**

24 “(a) CENTER AUTHORIZED.—The National Guard
25 Bureau may maintain a Center of Excellence for the Na-

1 tional Guard State Partnership Program (in this section
2 referred to as the ‘Center’).

3 “(b) CENTER AUTHORITY AND PURPOSE.—If the
4 Center is established, the Chief of the National Guard Bu-
5 reau shall administer the Center to provide training oppor-
6 tunities for units and members of the regular and reserve
7 components for the purpose of improving the skills for
8 such units and members when deployed to complete the
9 mission of the State Partnership Program. The Center will
10 provide accredited instruction in partnership with a uni-
11 versity program and other internationally recognized insti-
12 tutions.

13 “(c) CONDUCT OF CENTER.—The Chief of the Na-
14 tional Guard Bureau may provide for the conduct of the
15 Center in such State as the Chief considers appropriate.

16 “(d) PERSONS ELIGIBLE TO PARTICIPATE IN CEN-
17 TER TRAINING.—(1) The Chief of the National Guard Bu-
18 reau may recommend units and members of the National
19 Guard to attend training at the Center under section
20 502(f) of this title for not longer than the duration of the
21 training.

22 “(2) The Secretaries of the Army, Navy, Air Force,
23 and Marine Corps may detail units or members of their
24 respective regular or reserve components to attend train-
25 ing at the Center. The Secretary of Homeland Security

1 may detail members of the Coast Guard to attend training
2 and provide subject matter expertise as requested.

3 “(e) AUTHORIZED TRAINING.—The training author-
4 ized to be provided by the Center involves such matters
5 within the core competencies of the National Guard and
6 suitable for contacts under the State Partnership Program
7 as the Chief of the National Guard Bureau specifies con-
8 sistent with regulations issued by the Secretary of De-
9 fense.

10 “(f) CENTER PERSONNEL.—(1) The Chief of the Na-
11 tional Guard Bureau shall appoint an active member of
12 the National Guard to be the Commandant of the Center
13 to administer and lead the center.

14 “(2) The Center shall contain personnel authoriza-
15 tions under a table of distribution and allowance that en-
16 sures sufficient cadre and support to the Center and will
17 be assigned to the host State.

18 “(3) Personnel of the National Guard of any State
19 may serve on full-time National Guard duty for the pur-
20 pose of providing command, administrative, training, or
21 supporting services for the Center. For the performance
22 of those services, any personnel may be ordered to duty
23 under section 502(f) of this title.

1 “(4) Employees of the Departments of Defense may
2 be detailed to the Center for the purpose of providing addi-
3 tional training.

4 “(5) The National Guard Bureau may procure, by
5 contract, the temporary full time services of such civilian
6 personnel as may be necessary in carrying out the training
7 provided by the Center.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of such chapter is amended by adding
10 at the end the following new item:

“510. Center for Excellence for the National Guard State Partnership Pro-
gram.”.

11 **SEC. 335. CODIFICATION OF NATIONAL GUARD STATE**
12 **PARTNERSHIP PROGRAM.**

13 (a) STATE PARTNERSHIP PROGRAM.—

14 (1) IN GENERAL.—Chapter 1 of title 32, United
15 States Code, is amended by adding at the end the
16 following new section:

17 **“§ 116. State Partnership Program**

18 “(a) AVAILABILITY OF APPROPRIATED FUNDS.—(1)
19 Funds appropriated to the Department of Defense, includ-
20 ing for the Air and Army National Guard, shall be avail-
21 able for the payment of costs to conduct activities under
22 the State Partnership Program, whether inside the United
23 States or outside the United States, for purposes as fol-
24 lows:

1 “(A) To support the objectives of the com-
2 mander of the combatant command for the theater
3 of operations in which such contacts and activities
4 are conducted.

5 “(B) To support the objectives of the United
6 States chief of mission of the partner nation with
7 which contacts and activities are conducted.

8 “(C) To build international partnerships and
9 defense and security capacity.

10 “(D) To strengthen cooperation between the de-
11 partments and agencies of the United States Gov-
12 ernment and agencies of foreign governments to sup-
13 port building of defense and security capacity.

14 “(E) To facilitate intergovernmental collabora-
15 tion between the United States Government and for-
16 eign governments in the areas of defense and secu-
17 rity.

18 “(F) To facilitate and enhance the exchange of
19 information between the United States Government
20 and foreign governments on matters relating to de-
21 fense and security.

22 “(2) Costs under paragraph (1) may include costs as
23 follows:

24 “(A) Costs of pay and allowances of members
25 of the National Guard.

1 “(B) Travel and necessary expenses of United
2 States personnel outside of the Department of De-
3 fense in the State Partnership Program.

4 “(C) Travel and necessary expenses of foreign
5 participants directly supporting activities under the
6 State Partnership Program.

7 “(b) LIMITATIONS.—(1) Funds shall not be available
8 under subsection (a) for activities described in that sub-
9 section that are conducted in a foreign country unless
10 jointly approved by the commander of the combatant com-
11 mand concerned and the chief of mission concerned.

12 “(2) Funds shall not be available under subsection
13 (a) for the participation of a member of the National
14 Guard in activities described in that subsection in a for-
15 eign country unless the member is on active duty in the
16 armed forces at the time of such participation.

17 “(3) Funds shall not be available under subsection
18 (a) for interagency activities involving United States civil-
19 ian personnel or foreign civilian personnel unless the par-
20 ticipation of such personnel in such activities—

21 “(A) contributes to responsible management of
22 defense resources;

23 “(B) fosters greater respect for and under-
24 standing of the principle of civilian control of the
25 military;

1 “(C) contributes to cooperation between United
2 States military and civilian governmental agencies
3 and foreign military and civilian government agen-
4 cies; or

5 “(D) improves international partnerships and
6 capacity on matters relating to defense and security.

7 “(c) REIMBURSEMENT.—In the event of the partici-
8 pation of United States Government participants (other
9 than personnel of the Department of Defense) in activities
10 for which payment is made under subsection (a), the head
11 of the department or agency concerned shall reimburse the
12 Secretary of Defense for the costs associated with the par-
13 ticipation of such personnel in such contacts and activities.
14 Amounts reimbursed the Department of Defense under
15 this subsection shall be deposited in the appropriation or
16 account from which amounts for the payment concerned
17 were derived. Any amounts so deposited shall be merged
18 with amounts in such appropriation or account, and shall
19 be available for the same purposes, and subject to the
20 same conditions and limitations, as amounts in such ap-
21 propriation or account.

22 “(d) DEFINITIONS.—In this section:

23 “(1) The term ‘State Partnership Program’
24 means a program that establishes a defense and se-
25 curity relationship between the National Guard of a

1 State or territory and the military and security
2 forces, and related disaster management, emergency
3 response, and security ministries, of a foreign coun-
4 try.

5 “(2) The term ‘activities’, for purposes of the
6 State Partnership Program, means any military-to-
7 military activities or interagency activities for a pur-
8 pose set forth in subsection (a)(1).

9 “(3) The term ‘interagency activities’ means the
10 following:

11 “(A) Contacts between members of the Na-
12 tional Guard and foreign civilian personnel out-
13 side the ministry of defense of the foreign coun-
14 try concerned on matters within the core com-
15 petencies of the National Guard.

16 “(B) Contacts between United States civil-
17 ian personnel and members of the Armed
18 Forces of a foreign country on matters within
19 such core competencies.

20 “(4) The term ‘matter within the core com-
21 petencies of the National Guard’ means matters with
22 respect to the following:

23 “(A) Disaster response and mitigation.

24 “(B) Defense support to civil authorities.

1 “(C) Consequence management and instal-
2 lation protection.

3 “(D) Response to a chemical, biological,
4 radiological, nuclear, or explosives (CBRNE)
5 event.

6 “(E) Border and port security and co-
7 operation with civilian law enforcement.

8 “(F) Search and rescue.

9 “(G) Medicine.

10 “(H) Counterdrug and counternarcotics
11 activities.

12 “(I) Public affairs.

13 “(J) Employer support and family support
14 for reserve forces.

15 “(5) The term ‘United States civilian personnel’
16 means the following:

17 “(A) Personnel of the United States Gov-
18 ernment (including personnel of departments
19 and agencies of the United States Government
20 other than the Department of Defense) and
21 personnel of State and local governments of the
22 United States.

23 “(B) Members and employees of the legis-
24 lative branch of the United States Government.

25 “(C) Non-governmental individuals.

1 “(6) The term ‘foreign civilian personnel’
2 means the following:

3 “(A) Civilian personnel of a foreign gov-
4 ernment at any level (including personnel of
5 ministries other than ministries of defense).

6 “(B) Non-governmental individuals of a
7 foreign country.”.

8 (2) CLERICAL AMENDMENT.—The table of sec-
9 tions at the beginning of chapter 1 of such title is
10 amended by adding at the end the following new
11 item:

“116. State Partnership Program.”.

12 (b) REPEAL OF SUPERSEDED AUTHORITY.—Section
13 1210 of the National Defense Authorization Act for Fiscal
14 Year 2010 (Public Law 111–84; 123 Stat. 2517; 32
15 U.S.C. 107 note) is repealed.

16 **Subtitle E—Reports**

17 **SEC. 341. REPORT ON JOINT STRATEGY FOR READINESS** 18 **AND TRAINING IN A C4ISR-DENIED ENVIRON-** 19 **MENT.**

20 (a) REPORT REQUIRED.—The Secretary of Defense,
21 in consultation with the Chairman of the Joint Chiefs of
22 Staff, shall submit to Congress a report on the readiness
23 of the joint force to conduct operations in environments
24 where there is no access to Command, Control, Commu-
25 nications, Computers, Intelligence, Surveillance, and Re-

1 connaissance (in this section referred to as “C4ISR”) sys-
2 tems, including satellite communications, classified Inter-
3 net protocol-based networks, and the Global Positioning
4 System (in this section referred to as “GPS”).

5 (b) CONTENTS OF REPORT.—The report required by
6 subsection (a) shall include a description of the steps
7 taken and planned to be taken—

8 (1) to identify likely threats to the C4ISR sys-
9 tems of the United States, including both weapons
10 and those states with such capabilities; as well as
11 the most likely areas in which C4ISR systems could
12 be at risk;

13 (2) to identify vulnerabilities to the C4ISR sys-
14 tems of the United States that could result in a
15 C4ISR-denied environment;

16 (3) to determine how the Armed Forces should
17 respond in order to reconstitute C4ISR systems, pre-
18 vent further denial of C4ISR systems; and develop
19 counter-attack capabilities;

20 (4) to determine which types of joint operations
21 could be feasible in an environment in which access
22 to C4ISR systems is restricted or denied;

23 (5) to conduct training and exercises for sus-
24 taining combat and logistics operations in C4ISR-de-
25 nied environments; and

1 (6) to propose changes to current tactics, tech-
2 niques, and procedures to prepare to operate in an
3 environment in which C4ISR systems are degraded
4 or denied for 48-hour, 7 day, 30-day, or 60-day peri-
5 ods.

6 (c) **JOINT EXERCISE PLAN REQUIRED.**—Based on
7 the findings of the report required by subsection (a), the
8 Chairman of the Joint Chiefs of Staff shall develop a road-
9 map and joint exercise plan for the joint force to operate
10 in an environment where access to C4ISR systems, includ-
11 ing satellite communications, classified Internet protocol-
12 based networks, and the GPS network, is denied. The plan
13 and joint exercise program shall include—

14 (1) the development of alternatives to satellite
15 communications, classified Internet protocol-based
16 networks, and GPS for logistics, intelligence, surveil-
17 lance, and reconnaissance, and combat operations;
18 and

19 (2) methods to mitigate dependency on satellite
20 communications, classified Internet protocol-based
21 networks, and GPS;

22 (3) methods to protect vulnerable satellite com-
23 munications, classified Internet protocol-based net-
24 works, and GPS; and

1 (4) a joint exercise and training plan to include
2 fleet battle experiments, to enable the force to oper-
3 ate in a satellite communications, Internet protocol-
4 based network, and GPS-denied environment.

5 (d) FORM OF REPORT.—The report required to be
6 submitted by subsection (a) shall be submitted in unclassi-
7 fied form, but may include a classified annex.

8 **SEC. 342. COMPTROLLER GENERAL REVIEW OF ANNUAL**
9 **DEPARTMENT OF DEFENSE REPORT ON**
10 **PREPOSITIONED MATERIEL AND EQUIP-**
11 **MENT.**

12 Section 2229a(b)(1) of title 10, United States Code,
13 is amended—

14 (1) by striking “By not later than 120 days
15 after the date on which a report is submitted under
16 subsection (a), the” and inserting “The”; and

17 (2) by striking “the report” and inserting “each
18 report submitted under subsection (a)”.

19 **SEC. 343. MODIFICATION OF REPORT ON MAINTENANCE**
20 **AND REPAIR OF VESSELS IN FOREIGN SHIP-**
21 **YARDS.**

22 Section 7310(c) of title 10, United States Code, is
23 amended—

1 (1) in paragraph (3)(A), by inserting after
2 “justification under law” the following: “and oper-
3 ational justification”; and

4 (2) in paragraph (4), by adding at the end the
5 following new subparagraph:

6 “(C) A vessel not described in subparagraph
7 (A) or (B) that is operated pursuant to a contract
8 entered into by the Military Sealift Command, the
9 Maritime Administration, or the United States
10 Transportation Command.”.

11 **SEC. 344. EXTENSION OF DEADLINE FOR COMPTROLLER**
12 **GENERAL REPORT ON DEPARTMENT OF DE-**
13 **FENSE SERVICE CONTRACT INVENTORY.**

14 Section 803(c) of the National Defense Authorization
15 Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
16 2402) is amended by striking “180 days” and inserting
17 “270 days”.

18 **SEC. 345. GAO REPORT REVIEWING METHODOLOGY OF DE-**
19 **PARTMENT OF DEFENSE RELATING TO COSTS**
20 **OF PERFORMANCE BY CIVILIAN EMPLOYEES,**
21 **MILITARY PERSONNEL, AND CONTRACTORS.**

22 (a) REVIEW REQUIREMENT.—The Comptroller Gen-
23 eral of the United States shall conduct a review of Depart-
24 ment of Defense Directive-Type Memorandum 09–007 en-
25 titled “Estimating and Comparing the Full Costs of Civil-

1 ian and Military Manpower and Contractor Support” to
2 determine whether the methodology used in the memo-
3 randum reflects the actual, relevant, and quantifiable
4 costs to taxpayers of performance by Federal civilian em-
5 ployees, military personnel, and contractors.

6 (b) CONSULTATION.—In conducting the review re-
7 quired by subsection (a), the Comptroller General shall
8 consult with the Under Secretary of Defense for Personnel
9 and Readiness, the Director of Cost Assessment and Pro-
10 gram Evaluation, the Director of the Office of Manage-
11 ment and Budget, and private sector stakeholders.

12 (c) REPORT.—Not later than 180 days after the date
13 of the enactment of this Act, the Comptroller General shall
14 submit a report on the review required by subsection (a)
15 to the Committees on Armed Services of the Senate and
16 the House of Representatives. The report shall contain the
17 results of the review and make recommendations for any
18 statutory changes that the Comptroller General deter-
19 mines are necessary to ensure that the memorandum re-
20 viewed includes the actual, relevant, and quantifiable costs
21 to taxpayers for Federal civilian employees, military per-
22 sonnel, and contractors.

23 **SEC. 346. REPORT ON MEDICAL EVACUATION POLICIES.**

24 (a) IN GENERAL.—Not later than 120 days after the
25 date of the enactment of this Act, the Secretary of Defense

1 shall submit to the congressional defense committees and
2 the Comptroller General of the United States a report on
3 the policies, procedures, and guidelines of the Department
4 of Defense for helicopter evacuation of injured members
5 of the Armed Forces performed by—

6 (1) unarmed Army helicopters (in this section
7 referred to as “MEDEVAC”); and

8 (2) armed Air Force helicopters (in this section
9 referred to as “CASEVAC”).

10 (b) CONTENTS.—The report submitted under sub-
11 section (a) shall contain the following:

12 (1) The differences between armed escort heli-
13 copters that accompany MEDEVAC helicopters and
14 CASEVAC helicopters.

15 (2) The differences between Army and Air
16 Force training of MEDEVAC and CASEVAC air
17 crews.

18 (3) The differences between the capacity of the
19 Army and the Air Force to care for wounded mem-
20 bers of the Armed Forces.

21 (4) The potential costs associated with—

22 (A) arming MEDEVAC helicopters;

23 (B) increasing the training of MEDEVAC
24 air crews to be comparable to the training of
25 CASEVAC air crews; and

1 (C) increasing the quality of the avionics
2 used in MEDEVAC helicopters to be com-
3 parable to the quality of the avionics used in
4 CASEVAC helicopters.

5 (5) An analysis of the Army rescue goal, com-
6 monly known as the “golden hour”, which specifies
7 a goal of transporting an injured member of the
8 Armed Forces to a military medical treatment facil-
9 ity not later than 60 minutes after the MEDEVAC
10 unit receives notification of the injury, including an
11 analysis on—

12 (A) whether the 60-minute time period
13 should begin at the time of injury instead of at
14 the time of notification;

15 (B) the usefulness of gathering informa-
16 tion about survival rates using additional dif-
17 ferent time periods; and

18 (C) the validity of the survival rate associ-
19 ated with the “golden hour”.

20 (6) A comparison of the helicopter evacuation
21 capabilities in combat zones of—

22 (A) the Army;

23 (B) the Air Force;

24 (C) Special Operations Command; and

1 (D) armed forces of other countries that
2 perform helicopter evacuations in combat zones.

3 (7) An analysis of—

4 (A) the requirements under the Convention
5 for the Amelioration of the Condition of the
6 Wounded and Sick in the Armed Forces in the
7 Field, done at Geneva, August 12, 1949 (6
8 UST 3114) and the related protocols with re-
9 gard to the weapons an aircraft may carry and
10 still be considered a medical aircraft (which, for
11 purposes of such Convention and protocols,
12 means an aircraft exclusively employed for the
13 removal of wounded and sick and for the trans-
14 port of medical personnel and equipment) pro-
15 tected under such Convention, and of the inter-
16 pretations of and policies under such require-
17 ments by the Department of Defense;

18 (B) the threats to MEDEVAC and
19 CASEVAC air crews and assets posed by un-
20 conventional forces that do not abide by inter-
21 national law, military tradition, or custom, such
22 as insurgent or criminal organizations; and

23 (C) any strategies to respond to the
24 threats identified in subparagraph (B), as well
25 as any legal or policy restrictions to such re-

1 sponses based on the requirements, policies, and
2 interpretations identified in subparagraph (A).

3 (8) An explanation of how the survival rate of
4 injured members of the Armed Forces rescued by
5 helicopter evacuation is calculated.

6 (9) Information on the average number of in-
7 jured members of the Armed Forces that are evacu-
8 ated during each MEDEVAC and CASEVAC mis-
9 sion.

10 (c) REVIEW BY COMPTROLLER GENERAL.—Not later
11 than 120 days after the date on which the Comptroller
12 General receives the report submitted by the Secretary of
13 Defense under subsection (a), the Comptroller General
14 shall submit to the congressional defense committees an
15 analysis of such report.

16 **SEC. 347. REPORT ON PROVIDING TELECOMMUNICATIONS**
17 **SERVICES TO UNIFORMED PERSONNEL**
18 **TRANSITING THROUGH FOREIGN AIRPORTS.**

19 (a) REPORT REQUIREMENT.—The Secretary of De-
20 fense shall submit to the congressional defense committees
21 a report on the feasibility of providing market-rate or
22 below-market rate (or both) telecommunications service
23 (either phone, VoIP, video chat, or a combination thereof),
24 either directly or through a contract, to uniformed military
25 personnel transiting through a foreign airport while in

1 transit to or returning from deployment overseas. The
2 Secretary also shall investigate allegations of certain
3 telecom companies specifically targeting uniformed mili-
4 tary personnel in transit overseas (who have no other op-
5 tion to contact their families) with above-market-rate fees,
6 and shall include the results of that investigation in the
7 report.

8 (b) SUBMISSION.—The report required by subsection
9 (a) shall be submitted not later than 180 days after the
10 date of the enactment of this Act.

11 **SEC. 348. SURVEY AND REPORT ON PERSONAL PROTEC-**
12 **TION EQUIPMENT NEEDED BY MEMBERS OF**
13 **THE ARMED FORCES DEPLOYED ON THE**
14 **GROUND IN COMBAT ZONES.**

15 (a) SENSE OF CONGRESS.—It is the sense of Con-
16 gress that, when sending members of the United States
17 Armed Forces into combat, the United States has an obli-
18 gation to ensure that—

19 (1) the members are properly equipped with the
20 best available protective equipment and supplies; and

21 (2) the members, or their family and friends,
22 never feel compelled to purchase additional equip-
23 ment and supplies to be safer in combat.

24 (b) SURVEY REQUIRED.—Not later than 180 days
25 after the date of the enactment of this Act, the Secretary

1 of Defense shall conduct an anonymous survey among
2 members and former members of the Armed Forces who
3 were deployed on the ground in a combat zone since Sep-
4 tember 11, 2001, requesting information on what kinds
5 of personal protection equipment (such as body armor and
6 ballistic eyewear) the member believes should have been
7 provided to members during deployment but were not pro-
8 vided. The Secretary shall include in the survey questions
9 about whether members, their families, or other persons
10 purchased any personal protection equipment because the
11 Armed Forces did not provide the equipment and the
12 types and quantity of equipment purchased.

13 (c) REPORT ON RESULTS OF SURVEY.—Not later
14 than 180 days after the completion of the survey required
15 by subsection (b), the Secretary of Defense shall submit
16 to Congress a report—

17 (1) describing the results of the survey;

18 (2) describing the types and quantity of per-
19 sonal protection equipment not provided by the
20 Armed Forces and purchased instead by or on behalf
21 of members of the Armed Forces to protect them-
22 selves;

23 (3) explaining why such personal protection
24 equipment was not provided; and

1 (4) recommending future funding solutions to
2 prevent the omission in the future.

3 **SEC. 349. REPORT ON STATUS OF TARGETS IN OPER-**
4 **ATIONAL ENERGY STRATEGY IMPLEMENTA-**
5 **TION PLAN.**

6 (a) IN GENERAL.—The Secretary of Defense shall
7 submit annually to the relevant congressional committees
8 a report on the status of the targets listed in the document
9 entitled “Operational Energy Strategy: Implementation
10 Plan, Department of Defense, March 2012”, including—

11 (1) the status of each of the targets listed in
12 the implementation plan;

13 (2) the steps being taken to meet the targets;

14 (3) the expected date of completion for each
15 target if such date is different from the date indi-
16 cated in the report; and

17 (4) the reason for any delays in meeting the
18 targets.

19 (b) RELEVANT CONGRESSIONAL COMMITTEES DE-
20 FINED.—In this section, the term “relevant congressional
21 committees” means—

22 (1) the Committee on Armed Services of the
23 Senate and the House of Representatives;

24 (2) the Committee on Oversight and Govern-
25 ment Reform of the House of Representatives;

1 (3) the Committee on Homeland Security and
2 Governmental Affairs of the Senate;

3 (4) the Committee on Foreign Affairs of the
4 House of Representatives; and

5 (5) the Committee on Foreign Relations of the
6 Senate.

7 **Subtitle F—Limitations and**
8 **Extensions of Authority**

9 **SEC. 351. REPEAL OF AUTHORITY TO PROVIDE CERTAIN**
10 **MILITARY EQUIPMENT AND FACILITIES TO**
11 **SUPPORT CIVILIAN LAW ENFORCEMENT AND**
12 **EMERGENCY RESPONSE.**

13 Section 372 of title 10, United States Code, is
14 amended—

15 (1) in subsection (a), by striking “(a) IN GEN-
16 ERAL.—The Secretary” and inserting “The Sec-
17 retary”; and

18 (2) by striking subsection (b).

19 **SEC. 352. LIMITATION ON AVAILABILITY OF FUNDS FOR**
20 **THE DISESTABLISHMENT OF AEROSPACE**
21 **CONTROL ALERT LOCATIONS.**

22 (a) LIMITATION.—None of the funds authorized to
23 be appropriated by this Act or otherwise made available
24 for fiscal year 2013 for the Department of Defense may
25 be obligated or expended to disestablish or downgrade any

1 of the 18 level 5 aerospace control alert defense locations
2 in existence as of the date of the enactment of this Act.

3 (b) MAINTAINED LEVELS.—The Secretary of the Air
4 Force shall maintain the operational capabilities provided
5 by the 18 level 5 aerospace control alert defense capabili-
6 ties until the later of the following dates:

7 (1) The date of the enactment of the National
8 Defense Authorization Act for Fiscal Year 2014.

9 (2) September 30, 2013.

10 (c) CONSOLIDATED BUDGET EXHIBIT.—The Sec-
11 retary of Defense shall establish a consolidated budget jus-
12 tification display that fully identifies the baseline aero-
13 space control alert budget for each of the military services
14 and encompasses all programs and activities of the aero-
15 space control alert mission for each of the following func-
16 tions:

17 (1) Procurement.

18 (2) Operation and maintenance.

19 (3) Research, development, testing, and evalua-
20 tion.

21 (4) Military construction.

22 (d) REPORT.—

23 (1) REPORT TO CONGRESS.—Not later than
24 March 1, 2013, the Secretary of Defense shall sub-
25 mit to the congressional defense committees a report

1 that provides a cost-benefit analysis and risk-based
2 assessment of the aerospace control alert mission as
3 it relates to expected future changes to the budget
4 and force structure of such mission.

5 (2) COMPTROLLER GENERAL REVIEW.—Not
6 later than 120 days after the date on which the Sec-
7 retary submits the report required by paragraph (1),
8 the Comptroller General of the United States shall—

9 (A) conduct a review of the force structure
10 plan of the Department of Defense and the
11 cost-benefit analysis and risk-based assessment
12 contained in the report; and

13 (B) submit to the congressional defense
14 committees a report on the findings of such re-
15 view.

16 (e) SENSE OF CONGRESS ON THE ESSENTIAL SERV-
17 ICE PROVIDED BY FIGHTER WINGS PERFORMING AERO-
18 SPACE CONTROL ALERT MISSIONS.—It is the sense of
19 Congress that fighter wings performing the 24-hour Aero-
20 space Control Alert missions provide an essential service
21 in defending the sovereign airspace of the United States
22 in the aftermath of the terrorist attacks upon the United
23 States on September 11, 2001.

1 **SEC. 353. LIMITATION ON AUTHORIZATION OF APPROPRIA-**
2 **TIONS FOR THE NATIONAL MUSEUM OF THE**
3 **UNITED STATES ARMY.**

4 Of the amounts authorized to be appropriated for Op-
5 eration and Maintenance for fiscal year 2013, not more
6 than \$5,000,000 shall be made available for the National
7 Museum of the United States Army until the Secretary
8 of the Army submits to the congressional defense commit-
9 tees certification in writing that sufficient private funding
10 has been raised to fund the construction of the portion
11 of the museum known as the “Baseline Museum” and that
12 at least 50 percent of the Baseline Museum has been com-
13 pleted.

14 **SEC. 354. LIMITATION ON AVAILABILITY OF FUNDS FOR RE-**
15 **TIREMENT OR INACTIVATION OF TICON-**
16 **DEROGA CLASS CRUISERS OR DOCK LAND-**
17 **ING SHIPS.**

18 (a) LIMITATION.—Except as provided by subsection
19 (b), none of the funds authorized to be appropriated by
20 this Act or otherwise made available for fiscal year 2013
21 for the Department of Defense may be obligated or ex-
22 pended to retire, prepare to retire, inactivate, or place in
23 storage a cruiser or dock landing ship.

24 (b) EXCEPTION.—Notwithstanding subsection (a),
25 the U.S.S. Port Royal, CG 73, is authorized for retire-
26 ment.

1 (c) MAINTAINED LEVELS.—The Secretary of the
2 Navy, in supporting the operational requirements of the
3 combatant commands, shall maintain the operational ca-
4 pability and perform the necessary maintenance of each
5 cruiser and dock landing ship belonging to the Navy until
6 the later of the following dates:

7 (1) The date of the enactment of the National
8 Defense Authorization Act for Fiscal Year 2014.

9 (2) September 30, 2013.

10 **SEC. 355. RENEWAL OF EXPIRED PROHIBITION ON RETURN**
11 **OF VETERANS MEMORIAL OBJECTS WITHOUT**
12 **SPECIFIC AUTHORIZATION IN LAW.**

13 (a) CODIFICATION OF PROHIBITION.—Section 2572
14 of title 10, United States Code, is amended by adding at
15 the end the following new subsection:

16 “(e)(1) Except as provided in paragraph (3), and not-
17 withstanding this section or any other provision of law,
18 the President may not transfer a veterans memorial object
19 to a foreign country or an entity controlled by a foreign
20 government, or otherwise transfer or convey such an ob-
21 ject to any person or entity for purposes of the ultimate
22 transfer or conveyance of the object to a foreign country
23 or entity controlled by a foreign government.

24 “(2) In this subsection:

1 “(A) The term ‘entity controlled by a foreign
2 government’ has the meaning given that term in sec-
3 tion 2536(c)(1) of this title.

4 “(B) The term ‘veterans memorial object’
5 means any object, including a physical structure or
6 portion thereof, that—

7 “(i) is located at a cemetery of the Na-
8 tional Cemetery System, war memorial, or mili-
9 tary installation in the United States;

10 “(ii) is dedicated to, or otherwise memori-
11 alizes, the death in combat or combat-related
12 duties of members of the armed forces; and

13 “(iii) was brought to the United States
14 from abroad as a memorial of combat abroad.

15 “(3) The prohibition imposed by paragraph (1) does
16 not apply to a transfer of a veterans memorial object if—

17 “(A) the transfer of that veterans memorial ob-
18 ject is specifically authorized by law; or

19 “(B) the transfer is made after September 30,
20 2017.”.

21 (b) REPEAL OF OBSOLETE SOURCE LAW.—Section
22 1051 of the National Defense Authorization Act for Fiscal
23 Year 2000 (Public Law 106–65; 10 U.S.C. 2572 note) is
24 repealed.

1 **Subtitle G—Other Matters**

2 **SEC. 361. RETIREMENT, ADOPTION, CARE, AND RECOGNITION OF MILITARY WORKING DOGS.**

3 (a) RETIREMENT AND ADOPTION OF MILITARY
4 WORKING DOGS.—

5 (1) RETIREMENT AND RECLASSIFICATION OF
6 MILITARY WORKING DOGS.—Section 2583 of title 10,
7 United States Code, is amended—

8 (A) by redesignating subsections (f) and
9 (g) as subsections (h) and (i), respectively; and

10 (B) by inserting after subsection (e) the
11 following new subsections:

12 “(f) CLASSIFICATION OF MILITARY WORKING
13 DOGS.—The Secretary of Defense shall classify military
14 working dogs as canine members of the armed forces.
15 Such dogs shall not be classified as equipment.

16 “(g) TRANSFER OF RETIRED MILITARY WORKING
17 DOGS.—If the Secretary of the military department con-
18 cerned determines that a military working dog should be
19 retired, and no suitable adoption is available at the mili-
20 tary facility where the dog is located, the Secretary may
21 transfer the dog—

22 “(1) to the 341st Training Squadron; or

23 “(2) to another location for adoption under this
24 section.”.

1 (2) ACCEPTANCE OF FREQUENT TRAVELER
2 MILES TO FACILITATE ADOPTION.—Section 2613(d)
3 of such title is amended—

4 (A) in paragraph (1)(B), by striking “; or”
5 and inserting a semicolon;

6 (B) in paragraph (2), by striking the pe-
7 riod at the end and inserting “; or”; and

8 (C) by adding at the end the following new
9 paragraph:

10 “(3) facilitating the adoption of a military
11 working dog under section 2583 of this title.”.

12 (b) VETERINARY CARE FOR RETIRED MILITARY
13 WORKING DOGS.—

14 (1) VETERINARY CARE.—

15 (A) IN GENERAL.—Chapter 50 of such
16 title is amended by adding at the end the fol-
17 lowing new section:

18 **“§ 993. Military working dogs: veterinary care for re-**
19 **tired military working dogs**

20 “(a) IN GENERAL.—The Secretary of Defense shall
21 establish and maintain a system to provide for the veteri-
22 nary care of retired military working dogs.

23 “(b) ELIGIBLE DOGS.—(1) A retired military work-
24 ing dog eligible for veterinary care under this section is

1 any military working dog adopted under section 2583 of
2 this title.

3 “(2) The veterinary care provided a military working
4 dog under this section shall be provided during the life
5 of the dog beginning on the date on which the dog is
6 adopted under such section 2583.

7 “(c) ADMINISTRATION.—(1) The Secretary shall ad-
8 minister the system required by this section under a con-
9 tract awarded by the Secretary for that purpose.

10 “(2)(A) The contract under this subsection shall be
11 awarded to a private non-profit entity selected by the Sec-
12 retary from among such entities submitting an application
13 therefor that have such experience and expertise as the
14 Secretary considers appropriate for purposes of this sub-
15 section.

16 “(B) An entity seeking the award of a contract under
17 this subsection shall submit to the Secretary an applica-
18 tion therefor in such form, and containing such informa-
19 tion, as the Secretary shall require.

20 “(3) The term of any contract under this subsection
21 shall be such duration as the Secretary shall specify.

22 “(d) STANDARDS OF CARE.—(1) The veterinary care
23 provided under the system required by this section shall
24 meet such standards as the Secretary shall establish and
25 from time to time update.

1 “(2) The standards required by this subsection shall
2 include the following:

3 “(A) Provisions regarding the types of care to
4 be provided to retired military working dogs.

5 “(B) Provisions regarding the entities (includ-
6 ing private veterinarians and entities) qualified to
7 provide the care.

8 “(C) Provisions regarding the facilities, includ-
9 ing military installations, government facilities, and
10 private facilities, in which the care may be provided.

11 “(D) A requirement that complete histories be
12 maintained on the health and use in research of re-
13 tired military working dogs.

14 “(E) Such other matters as the Secretary con-
15 siders appropriate.

16 “(3) The Secretary shall consult with the board of
17 directors of the non-profit private entity awarded the con-
18 tract under subsection (c) in establishing and updating
19 standards of care under this subsection.

20 “(e) COVERAGE OF COSTS.—(1) Except as provided
21 in paragraph (2), any costs of operation and administra-
22 tion of the system required by this section, and of any
23 veterinary care provided under the system, shall be cov-
24 ered by such combination of the following as the Secretary

1 and the non-profit entity awarded the contract under sub-
2 section (c) jointly consider appropriate:

3 “(A) Contributions from the non-profit entity.

4 “(B) Payments for such care by owners or
5 guardians of the retired military working dogs re-
6 ceiving such care.

7 “(C) Other appropriate non-Federal sources of
8 funds.

9 “(2) Funds provided by the Federal Government—

10 “(A) may not be used—

11 “(i) to provide veterinary care under the
12 system required by this section; or

13 “(ii) to pay for the normal operation of the
14 non-profit entity awarded the contract under
15 subsection (c); and

16 “(B) may be used to carry out the duties of the
17 Secretary under subsections (a), (c), (d), and (f).

18 “(f) REGULATIONS.—The Secretary shall prescribe
19 regulations for the discharge of the requirements and au-
20 thorities in this section, including regulations on the
21 standards of care required by subsection (d).”.

22 (B) CLERICAL AMENDMENT.—The table of
23 sections at the beginning of such chapter is
24 amended by adding at the end the following
25 new item:

“993. Military working dogs: veterinary care for retired military working dogs.”.

1 (2) REGULATIONS.—The Secretary of Defense
2 shall prescribe the regulations required by subsection
3 (f) of section 993 of title 10, United States Code (as
4 added by paragraph (1)), not later than 180 days
5 after the date of the enactment of this Act.

6 (c) RECOGNITION OF SERVICE OF MILITARY WORK-
7 ING DOGS.—Section 1125 of such title is amended—

8 (1) by inserting “(a) GENERAL AUTHORITY.—
9 ” before “The Secretary of Defense”; and

10 (2) by adding at the end the following new sub-
11 section:

12 “(b) RECOGNITION OF SERVICE OF MILITARY WORK-
13 ING DOGS.—The Secretary of Defense shall create a deco-
14 ration or other appropriate recognition to recognize mili-
15 tary working dogs under the jurisdiction of the Secretary
16 that are killed in action or perform an exceptionally meri-
17 torious or courageous act in service to the United States.”.

18 **SEC. 362. ASSISTANCE FOR HOMELAND DEFENSE MISSION**

19 **TRAINING.**

20 (a) ASSISTANCE AUTHORIZED.—Chapter 9 of title
21 32, United States Code, is amended by adding at the end
22 the following new section:

23 **“§ 909. Training assistance**

24 “(a) ASSISTANCE AUTHORIZED.—To improve the
25 training of National Guard units and Federal agencies

1 performing homeland defense activities, the Secretary of
2 Defense may provide funding assistance through a special
3 military cooperative agreement for the operation and
4 maintenance of any State training center certified by the
5 Federal Emergency Management Agency as capable of
6 providing emergency response training.

7 “(b) MERIT-BASED OR COMPETITIVE DECISIONS.—
8 A decision to commit, obligate, or expend funds under sub-
9 section (a) with or to a specific entity shall—

10 “(1) be based on merit-based selection proce-
11 dures in accordance with the requirements of sec-
12 tions 2304(k) and 2374 of title 10 or on competitive
13 procedures; and

14 “(2) comply with other applicable provisions of
15 law.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 at the beginning of such chapter is amended by adding
18 at the end the following new item:

“909. Training assistance.”.

19 **SEC. 363. COMPTROLLER GENERAL REVIEW OF HANDLING,**
20 **LABELING, AND PACKAGING PROCEDURES**
21 **FOR HAZARDOUS MATERIAL SHIPMENTS.**

22 (a) COMPTROLLER GENERAL REVIEW.—The Comp-
23 troller General of the United States shall conduct a review
24 of the policies and procedures of the Department of De-

1 fense for the handling, labeling, and packaging of haz-
2 ardous material shipments.

3 (b) MATTERS INCLUDED.—The review conducted
4 under subsection (a) shall address the following:

5 (1) The relevant statutes, regulations, and guid-
6 ance and policies of the Department of Defense per-
7 taining to the handling, labeling, and packaging pro-
8 cedures of hazardous material shipments to support
9 military operations.

10 (2) The extent to which the such guidance, poli-
11 cies, and procedures contribute to the safe, timely,
12 and cost-effective handling of such material.

13 (3) The extent to which discrepancies in De-
14 partment of Transportation guidance, policies, and
15 procedures pertaining to handling, labeling, and
16 packaging of hazardous materials shipments in com-
17 merce and similar Department of Defense guidance,
18 policies, and procedures pertaining to the handling,
19 labeling, and packaging of hazardous materials ship-
20 ments impact the safe, timely, and cost-effective
21 handling of such material.

22 (4) Any additional matters that the Comptroller
23 General determines will further inform the appro-
24 priate congressional committees on issues related to
25 the handling, labeling, and packaging procedures for

1 hazardous material shipments to members of the
2 Armed Forces worldwide.

3 (c) REPORT.—Not later than one year after the date
4 of the enactment of this Act, the Comptroller General shall
5 submit to the appropriate congressional committees a re-
6 port of the review conducted under subsection (a).

7 (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—
8 In this section, the term “appropriate congressional com-
9 mittees” means the following:

10 (1) The congressional defense committees.

11 (2) The Committee on Transportation and In-
12 frastructure of the House of Representatives and the
13 Committee on Commerce, Science, and Transpor-
14 tation of the Senate.

15 **TITLE IV—MILITARY**
16 **PERSONNEL AUTHORIZATIONS**
17 **Subtitle A—Active Forces**

18 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

19 The Armed Forces are authorized strengths for active
20 duty personnel as of September 30, 2013, as follows:

21 (1) The Army, 552,100.

22 (2) The Navy, 322,700.

23 (3) The Marine Corps, 197,300.

24 (4) The Air Force, 330,383.

1 **SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END**
2 **STRENGTH MINIMUM LEVELS.**

3 Section 691(b) of title 10, United States Code, is
4 amended by striking paragraphs (1) through (4) and in-
5 serting the following new paragraphs:

6 “(1) For the Army, 552,100.

7 “(2) For the Navy, 322,700.

8 “(3) For the Marine Corps, 197,300.

9 “(4) For the Air Force, 330,383.”

10 **SEC. 403. LIMITATIONS ON END STRENGTH REDUCTIONS**
11 **FOR REGULAR COMPONENT OF THE ARMY**
12 **AND MARINE CORPS.**

13 (a) ANNUAL CERTIFICATION.—Subject to sub-
14 sections (b) and (c), if the President determines that a
15 reduction in end strength of the regular component of the
16 Army or Marine Corps (or both) is necessary for any of
17 fiscal years 2014 through 2017, the President shall submit
18 to Congress, with the budget request for that fiscal year,
19 a certification that the reduction in end strength, should
20 the assumptions of the National Security Strategy pre-
21 scribed by the President in the most recent annual na-
22 tional security strategy report under section 108 of the
23 National Security Act of 1947 (50 U.S.C. 404a) prove to
24 be incorrect, will not—

1 (1) undermine the ability of the Armed Forces
2 to meet the requirements of the National Security
3 Strategy;

4 (2) increase security risks for the United
5 States; or

6 (3) compel members of the Armed Forces to en-
7 dure diminished dwell time and repeated deploy-
8 ments.

9 (b) ANNUAL LIMITATION ON REDUCTIONS.—

10 (1) ARMY.—The end strength of the regular
11 component of the Army shall not be reduced by
12 more than 15,000 members during each of fiscal
13 years 2014 through 2017 from the end strength of
14 the regular component of the Army at the end of the
15 preceding fiscal year.

16 (2) MARINE CORPS.—The end strength of the
17 regular component of the Marine Corps shall not be
18 reduced by more than 5,000 members during each
19 of fiscal years 2014 through 2017 from the end
20 strength of the regular component of the Marine
21 Corps at the end of the preceding fiscal year.

22 (c) BUDGETING REQUIREMENT.—The budget for the
23 Department of Defense for each of fiscal years 2014
24 through 2017 as submitted to Congress—

1 **Subtitle B—Reserve Forces**

2 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

3 (a) IN GENERAL.—The Armed Forces are authorized
4 strengths for Selected Reserve personnel of the reserve
5 components as of September 30, 2013, as follows:

6 (1) The Army National Guard of the United
7 States, 358,200.

8 (2) The Army Reserve, 205,000.

9 (3) The Navy Reserve, 62,500.

10 (4) The Marine Corps Reserve, 39,600.

11 (5) The Air National Guard of the United
12 States, 106,005.

13 (6) The Air Force Reserve, 72,428.

14 (7) The Coast Guard Reserve, 9,000.

15 (b) END STRENGTH REDUCTIONS.—The end
16 strengths prescribed by subsection (a) for the Selected Re-
17 serve of any reserve component shall be proportionately
18 reduced by—

19 (1) the total authorized strength of units orga-
20 nized to serve as units of the Selected Reserve of
21 such component which are on active duty (other
22 than for training) at the end of the fiscal year; and

23 (2) the total number of individual members not
24 in units organized to serve as units of the Selected
25 Reserve of such component who are on active duty

1 (other than for training or for unsatisfactory partici-
2 pation in training) without their consent at the end
3 of the fiscal year.

4 (c) **END STRENGTH INCREASES.**—Whenever units or
5 individual members of the Selected Reserve of any reserve
6 component are released from active duty during any fiscal
7 year, the end strength prescribed for such fiscal year for
8 the Selected Reserve of such reserve component shall be
9 increased proportionately by the total authorized strengths
10 of such units and by the total number of such individual
11 members.

12 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
13 **DUTY IN SUPPORT OF THE RESERVES.**

14 Within the end strengths prescribed in section
15 411(a), the reserve components of the Armed Forces are
16 authorized, as of September 30, 2013, the following num-
17 ber of Reserves to be serving on full-time active duty or
18 full-time duty, in the case of members of the National
19 Guard, for the purpose of organizing, administering, re-
20 cruiting, instructing, or training the reserve components:

- 21 (1) The Army National Guard of the United
22 States, 32,060.
- 23 (2) The Army Reserve, 16,277.
- 24 (3) The Navy Reserve, 10,114.
- 25 (4) The Marine Corps Reserve, 2,261.

1 (5) The Air National Guard of the United
2 States, 14,952.

3 (6) The Air Force Reserve, 2,888.

4 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**
5 **(DUAL STATUS).**

6 The minimum number of military technicians (dual
7 status) as of the last day of fiscal year 2013 for the re-
8 serve components of the Army and the Air Force (notwith-
9 standing section 129 of title 10, United States Code) shall
10 be the following:

11 (1) For the Army National Guard of the United
12 States, 27,210.

13 (2) For the Army Reserve, 8,395.

14 (3) For the Air National Guard of the United
15 States, 22,272.

16 (4) For the Air Force Reserve, 10,946.

17 **SEC. 414. FISCAL YEAR 2013 LIMITATION ON NUMBER OF**
18 **NON-DUAL STATUS TECHNICIANS.**

19 (a) LIMITATIONS.—

20 (1) NATIONAL GUARD.—Within the limitation
21 provided in section 10217(c)(2) of title 10, United
22 States Code, the number of non-dual status techni-
23 cians employed by the National Guard as of Sep-
24 tember 30, 2013, may not exceed the following:

1 (A) For the Army National Guard of the
2 United States, 1,600.

3 (B) For the Air National Guard of the
4 United States, 350.

5 (2) ARMY RESERVE.—The number of non-dual
6 status technicians employed by the Army Reserve as
7 of September 30, 2013, may not exceed 595.

8 (3) AIR FORCE RESERVE.—The number of non-
9 dual status technicians employed by the Air Force
10 Reserve as of September 30, 2013, may not exceed
11 90.

12 (b) NON-DUAL STATUS TECHNICIANS DEFINED.—In
13 this section, the term “non-dual status technician” has the
14 meaning given that term in section 10217(a) of title 10,
15 United States Code.

16 **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**
17 **THORIZED TO BE ON ACTIVE DUTY FOR**
18 **OPERATIONAL SUPPORT.**

19 During fiscal year 2013, the maximum number of
20 members of the reserve components of the Armed Forces
21 who may be serving at any time on full-time operational
22 support duty under section 115(b) of title 10, United
23 States Code, is the following:

24 (1) The Army National Guard of the United
25 States, 17,000.

1 (2) The Army Reserve, 13,000.

2 (3) The Navy Reserve, 6,200.

3 (4) The Marine Corps Reserve, 3,000.

4 (5) The Air National Guard of the United
5 States, 16,000.

6 (6) The Air Force Reserve, 14,000.

7 **Subtitle C—Authorization of**
8 **Appropriations**

9 **SEC. 421. MILITARY PERSONNEL.**

10 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
11 are hereby authorized to be appropriated for fiscal year
12 2013 for the use of the Armed Forces and other activities
13 and agencies of the Department of Defense for expenses,
14 not otherwise provided for, for military personnel, as spec-
15 ified in the funding table in section 4401.

16 (b) CONSTRUCTION OF AUTHORIZATION.—The au-
17 thorization of appropriations in subsection (a) supersedes
18 any other authorization of appropriations (definite or in-
19 definite) for such purpose for fiscal year 2013.

1 **TITLE V—MILITARY PERSONNEL**
2 **POLICY**
3 **Subtitle A—Officer Personnel**
4 **Policy Generally**

5 **SEC. 501. LIMITATION ON NUMBER OF NAVY FLAG OFFI-**
6 **CERS ON ACTIVE DUTY.**

7 (a) ADDITIONAL FLAG OFFICER AUTHORIZED.—Sec-
8 tion 526(a)(2) of title 10, United States Code, is amended
9 by striking “160” and inserting “161”.

10 (b) CORRESPONDING CHANGE IN COMPUTING NUM-
11 BER OF FLAG OFFICERS IN STAFF CORPS OF THE
12 NAVY.—Section 5150(c) of such title is amended by strik-
13 ing the last sentence.

14 **SEC. 502. EXCEPTION TO REQUIRED RETIREMENT AFTER 30**
15 **YEARS OF SERVICE FOR REGULAR NAVY**
16 **WARRANT OFFICERS IN THE GRADE OF**
17 **CHIEF WARRANT OFFICER, W-5.**

18 Section 1305(a) of title 10, United States Code, is
19 amended—

20 (1) in paragraph (1)—

21 (A) by striking “A regular warrant officer
22 (other than a regular Army warrant officer)”
23 and inserting “Subject to paragraphs (2) and
24 (3), a regular warrant officer”; and

1 (B) by striking “he” and inserting “the of-
2 ficer”; and

3 (2) by adding at the end the following new
4 paragraph:

5 “(3) In the case of a regular Navy warrant officer
6 in the grade of chief warrant officer, W-5, the officer shall
7 be retired 60 days after the date on which the officer com-
8 pletes 33 years of total active service.”.

9 **SEC. 503. AIR FORCE CHIEF AND DEPUTY CHIEF OF CHAP-**
10 **LAINS.**

11 (a) ESTABLISHMENT OF POSITIONS; APPOINT-
12 MENT.—Chapter 805 of title 10, United States Code, is
13 amended by adding at the end the following new section:

14 **“§ 8039. Chief and Deputy Chief of Chaplains: ap-**
15 **pointment; duties**

16 “(a) CHIEF OF CHAPLAINS.—(1) There is a Chief of
17 Chaplains in the Air Force, appointed by the President,
18 by and with the advice and consent of the Senate, from
19 officers of the Air Force designated under section 8067(h)
20 of this title as chaplains who—

21 “(A) are serving in the grade of colonel or
22 above;

23 “(B) are serving on active duty; and

24 “(C) have served on active duty as a chaplain
25 for at least eight years.

1 “(2) An officer appointed as the Chief of Chaplains
2 shall be appointed for a term of three years. However, the
3 President may terminate or extend the appointment at
4 any time.

5 “(3) The Chief of Chaplains shall perform such du-
6 ties as may be prescribed by the Secretary of the Air Force
7 and by law.

8 “(b) DEPUTY CHIEF OF CHAPLAINS.—(1) There is
9 a Deputy Chief of Chaplains in the Air Force, appointed
10 by the President, by and with the advice and consent of
11 the Senate, from officers of the Air Force designated
12 under section 8067(h) of this title as chaplains who—

13 “(A) are serving in the grade of colonel;

14 “(B) are serving on active duty; and

15 “(C) have served on active duty as a chaplain
16 for at least eight years.

17 “(2) An officer appointed as the Deputy Chief of
18 Chaplains shall be appointed for a term of three years.
19 However, the President may terminate or extend the ap-
20 pointment at any time.

21 “(3) The Deputy Chief of Chaplains shall perform
22 such duties as may be prescribed by the Secretary of the
23 Air Force and the Chief of Chaplains and by law.

24 “(c) SELECTION BOARD.—Under regulations ap-
25 proved by the Secretary of Defense, the Secretary of the

1 Air Force, in selecting an officer for recommendation to
2 the President for appointment as the Chief of Chaplains
3 or the Deputy Chief of Chaplains, shall ensure that the
4 officer selected is recommended by a board of officers that,
5 insofar as practicable, is subject to the procedures applica-
6 ble to the selection boards convened under chapter 36 of
7 this title.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of such chapter is amended by adding
10 at the end the following new item:

“8039. Chief and Deputy Chief of Chaplains: appointment; duties.”.

11 **SEC. 504. EXTENSION OF TEMPORARY AUTHORITY TO RE-**
12 **DUCE MINIMUM LENGTH OF ACTIVE SERVICE**
13 **AS A COMMISSIONED OFFICER REQUIRED**
14 **FOR VOLUNTARY RETIREMENT AS AN OFFI-**
15 **CER.**

16 (a) ARMY.—Section 3911(b)(2) of title 10, United
17 States Code, is amended by striking “September 30,
18 2013” and inserting “September 30, 2018”.

19 (b) NAVY AND MARINE CORPS.—Section
20 6323(a)(2)(B) of such title is amended by striking “Sep-
21 tember 30, 2013” and inserting “September 30, 2018”.

22 (c) AIR FORCE.—Section 8911(b)(2) of such title is
23 amended by striking “September 30, 2013” and inserting
24 “September 30, 2018”.

1 **SEC. 505. TEMPORARY INCREASE IN THE TIME-IN-GRADE**
2 **RETIREMENT WAIVER LIMITATION FOR LIEU-**
3 **TENANT COLONELS AND COLONELS IN THE**
4 **ARMY, AIR FORCE, AND MARINE CORPS AND**
5 **COMMANDERS AND CAPTAINS IN THE NAVY.**

6 Section 1370(a)(2)(F) of title 10, United States
7 Code, is amended—

8 (1) by striking “the period ending on December
9 31, 2007” and inserting “fiscal years 2013 through
10 2018”;

11 (2) by striking “Air Force” and inserting
12 “Army, Air Force, and Marine Corps”; and

13 (3) by striking “in the period”.

14 **SEC. 506. MODIFICATION TO LIMITATIONS ON NUMBER OF**
15 **OFFICERS FOR WHOM SERVICE-IN-GRADE RE-**
16 **QUIREMENTS MAY BE REDUCED FOR RETIRE-**
17 **MENT IN GRADE UPON VOLUNTARY RETIRE-**
18 **MENT.**

19 Section 1370(a)(2) of title 10, United States Code,
20 is amended—

21 (1) in subparagraph (E)—

22 (A) by inserting “(i)” after “exceed”; and

23 (B) by inserting before the period at the
24 end the following: “or (ii) in the case of officers
25 of that armed forces in a grade specified in sub-

1 paragraph (G), two officers, whichever number
2 is greater”; and

3 (2) by adding at the end the following new sub-
4 paragraph:

5 “(G) Notwithstanding subparagraph (E), during fis-
6 cal years 2013 through 2017, the total number of briga-
7 dier generals and major generals of the Army, Air Force,
8 and Marine Corps, and the total number of rear admirals
9 (lower half) and rear admirals of the Navy, for whom a
10 reduction is made under this section during any fiscal year
11 of service-in-grade otherwise required under this para-
12 graph—

13 “(i) for officers of the Army, Navy, and Air
14 Force, may not exceed five percent of the authorized
15 active-duty strength for that fiscal year for officers
16 of that armed force in those grades; and

17 “(ii) for officers of the Marine Corps, may not
18 exceed 10 percent of the authorized active-duty
19 strength for that fiscal year for officers in those
20 grades.”.

21 **SEC. 507. DIVERSITY IN MILITARY LEADERSHIP AND RE-**
22 **LATED REPORTING REQUIREMENTS.**

23 (a) PLAN TO ACHIEVE MILITARY LEADERSHIP RE-
24 FLECTING DIVERSITY OF UNITED STATES POPU-
25 LATION.—

1 (1) IN GENERAL.—Chapter 37 of title 10,
2 United States Code, is amended by adding at the
3 end the following new section:

4 **“§ 656. Diversity in military leadership: plan**

5 “(a) PLAN.—The Secretary of Defense (and the Sec-
6 retary of Homeland Security in the case of the Coast
7 Guard) shall develop and implement a plan to accurately
8 measure the efforts of the Department of Defense to
9 achieve a dynamic, sustainable level of members of the
10 armed forces (including reserve components) that, among
11 both commissioned officers and senior enlisted personnel
12 of each armed force, will reflect the diverse population of
13 the United States eligible to serve in the armed forces,
14 including gender specific, racial, and ethnic populations.
15 Any metric established pursuant to this subsection may
16 not be used in a manner that undermines the merit-based
17 processes of the Department of Defense, including such
18 processes for accession, retention, and promotion. Such
19 metrics may not be combined with the identification of
20 specific quotas based upon diversity characteristics. The
21 Secretary shall continue to account for diversified lan-
22 guage and cultural skills among the total force of the mili-
23 tary.

24 “(b) METRICS TO MEASURE PROGRESS IN DEVEL-
25 OPING AND IMPLEMENTING PLAN.—In developing and im-

1 plementing the plan under subsection (a), the Secretary
2 of Defense (and the Secretary of Homeland Security in
3 the case of the Coast Guard) shall develop a standard set
4 of metrics and collection procedures that are uniform
5 across the armed forces. The metrics required by this sub-
6 section shall be designed—

7 “(1) to accurately capture the inclusion and ca-
8 pability aspects of the armed forces broader diversity
9 plans, including race, ethnic, and gender specific
10 groups, functional expertise, and diversified cultural
11 and language skills as to leverage and improve readi-
12 ness; and

13 “(2) to be verifiable and systematically linked
14 to strategic plans that will drive improvements.

15 “(c) DEFINITION OF DIVERSITY.—In developing and
16 implementing the plan under subsection (a), the Secretary
17 of Defense (and the Secretary of Homeland Security in
18 the case of the Coast Guard) shall develop a uniform defi-
19 nition of diversity.

20 “(d) CONSULTATION.—Not less than annually, the
21 Secretary of Defense and the Secretary of Homeland Se-
22 curity shall meet with the Secretaries of the military de-
23 partments, the Joint Chiefs of Staff, the Commandant of
24 the Coast Guard, and senior enlisted members of the
25 armed forces to discuss the progress being made toward

1 developing and implementing the plan established under
2 subsection (a).

3 “(e) COOPERATION WITH STATES.—The Secretary of
4 Defense shall coordinate with the National Guard Bureau
5 and States in tracking the progress of the National Guard
6 toward developing and implementing the plan established
7 under subsection (a).”.

8 (2) CLERICAL AMENDMENT.—The table of sec-
9 tions at the beginning of such chapter is amended
10 by adding at the end the following new item:

“656. Diversity in military leadership: plan.”.

11 (b) INCLUSION IN DOD MANPOWER REQUIREMENTS
12 REPORT.—Section 115a(c) of such title is amended by
13 adding at the end the following new paragraphs:

14 “(4) The progress made in implementing the
15 plan required by section 656 of this title to accu-
16 rately measure the efforts of the Department to re-
17 flect the diverse population of the United States eli-
18 gible to serve in the armed forces.

19 “(5) The number of members of the armed
20 forces, including reserve components, listed by sex
21 and race or ethnicity for each rank under each mili-
22 tary department.

23 “(6) The number of members of the armed
24 forces, including reserve components, who were pro-
25 moted during the year covered by the report, listed

1 by sex and race or ethnicity for each rank under
2 each military department.

3 “(7) The number of members of the armed
4 forces, including reserve components, who reenlisted
5 or otherwise extended the commitment to military
6 service during the year covered by the report, listed
7 by sex and race or ethnicity for each rank under
8 each military department.

9 “(8) The available pool of qualified candidates
10 for the general officer grades of general and lieuten-
11 ant general and the flag officer grades of admiral
12 and vice admiral.”.

13 (c) COAST GUARD REPORT.—

14 (1) ANNUAL REPORT REQUIRED.—The Sec-
15 retary of Homeland Security shall prepare an annual
16 report addressing diversity among commissioned of-
17 ficers of the Coast Guard and Coast Guard Reserve
18 and among enlisted personnel of the Coast Guard
19 and Coast Guard Reserve. The report shall in-
20 clude—

21 (A) an assessment of the available pool of
22 qualified candidates for the flag officer grades
23 of admiral and vice admiral;

1 (B) the number of such officers and per-
2 sonnel, listed by sex and race or ethnicity for
3 each rank;

4 (C) the number of such officers and per-
5 sonnel who were promoted during the year cov-
6 ered by the report, listed by sex and race or
7 ethnicity for each rank; and

8 (D) the number of such officers and per-
9 sonnel who reenlisted or otherwise extended the
10 commitment to the Coast Guard during the
11 year covered by the report, listed by sex and
12 race or ethnicity for each rank.

13 (2) SUBMISSION.—The report under paragraph
14 (1) shall be submitted each year not later than 45
15 days after the date on which the President submits
16 to Congress the budget for the next fiscal year under
17 section 1105 of title 31, United States Code. Each
18 report shall be submitted to the Committee on
19 Armed Services, the Committee on Transportation
20 and Infrastructure, and the Committee on Home-
21 land Security of the House of Representatives, and
22 the Committee on Armed Services and the Com-
23 mittee on Commerce, Science, and Transportation of
24 the Senate.

1 **Subtitle B—Reserve Component**
2 **Management**

3 **SEC. 511. CODIFICATION OF STAFF ASSISTANT POSITIONS**
4 **FOR JOINT STAFF RELATED TO NATIONAL**
5 **GUARD AND RESERVE MATTERS.**

6 (a) CODIFICATION OF EXISTING POSITIONS.—Chap-
7 ter 5 of title 10, United States Code, is amended by insert-
8 ing after section 155 the following new section:

9 **“§ 155a. Assistants to the Chairman of the Joint**
10 **Chiefs of Staff for National Guard mat-**
11 **ters and for Reserve matters**

12 “(a) ESTABLISHMENT OF POSITIONS.—The Sec-
13 retary of Defense shall establish the following positions
14 within the Joint Staff:

15 “(1) Assistant to the Chairman of the Joint
16 Chiefs of Staff for National Guard Matters.

17 “(2) Assistant to the Chairman of the Joint
18 Chiefs of Staff for Reserve Matters.

19 “(b) SELECTION.—(1) The Assistant to the Chair-
20 man of the Joint Chiefs of Staff for National Guard Mat-
21 ters shall be selected by the Chairman from officers of the
22 Army National Guard of the United States or the Air
23 Guard of the United States who—

24 “(A) are recommended for such selection by
25 their respective Governors or, in the case of the Dis-

1 trict of Columbia, the commanding general of the
2 District of Columbia National Guard;

3 “(B) have had at least 10 years of federally rec-
4 ognized commissioned service in the National Guard
5 and significant joint duty experience, as determined
6 by the Chairman of the Joint Chiefs of Staff; and

7 “(C) are in a grade above the grade of colonel.

8 “(2) The Assistant to the Chairman of the Joint
9 Chiefs of Staff for Reserve Matters shall be selected by
10 the Chairman from officers of the Army Reserve, the Navy
11 Reserve, the Marine Corps Reserve, or the Air Force Re-
12 serve who—

13 “(A) are recommended for such selection by the
14 Secretary of the military department concerned;

15 “(B) have had at least 10 years of commis-
16 sioned service in their reserve component and signifi-
17 cant joint duty experience, as determined by the
18 Chairman of the Joint Chiefs of Staff; and

19 “(C) are in a grade above the grade of colonel
20 or, in the case of the Navy Reserve, captain.

21 “(c) TERM OF OFFICE.—Each Assistant to the
22 Chairman of the Joint Chiefs of Staff under subsection
23 (a) serves at the pleasure of the Chairman for a term of
24 two years and may be continued in that assignment in

1 the same manner for one additional term. However, in
2 time of war there is no limit on the number of terms.

3 “(d) GRADE.—Each Assistant to the Chairman of the
4 Joint Chiefs of Staff under subsection (a), while so serv-
5 ing, holds the grade of major general or, in the case of
6 the Navy Reserve, rear admiral. Each such officer shall
7 be considered to be serving in a position covered by the
8 limited exclusion from the authorized strength of general
9 officers and flag officers on active duty provided by section
10 526(b) of this title.

11 “(e) DUTIES.—(1) The Assistant to the Chairman of
12 the Joint Chiefs of Staff for National Guard Matters is
13 an adviser to the Chairman on matters relating to the Na-
14 tional Guard and performs the duties prescribed for that
15 position by the Chairman.

16 “(2) The Assistant to the Chairman of the Joint
17 Chiefs of Staff for Reserve Matters is an adviser to the
18 Chairman on matters relating to the reserves and per-
19 forms the duties prescribed for that position by the Chair-
20 man.

21 “(f) OTHER RESERVE COMPONENT REPRESENTA-
22 TION ON JOINT STAFF.—The Secretary of Defense, in
23 consultation with the Chairman of the Joint Chiefs, shall
24 develop appropriate policy guidance to ensure that, to the
25 maximum extent practicable, the level of representation of

1 reserve component officers on the Joint Staff is commensurate with the significant role of the reserve components within the armed forces.”.

4 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 155 the following new item:

“155a. Assistants to the Chairman of the Joint Chiefs of Staff for National Guard matters and for Reserve matters.”.

8 (c) REPEAL OF SUPERSEDED LAW.—Section 901 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 155 note) is repealed.

12 **SEC. 512. AUTOMATIC FEDERAL RECOGNITION OF PRO-**
13 **MOTION OF CERTAIN NATIONAL GUARD WAR-**
14 **RANT OFFICERS.**

15 Section 310(a) of title 32, United States Code, is amended—

17 (1) by inserting “(1)” before “Notwithstanding”; and

19 (2) by adding at the end the following new paragraph:

21 “(2) Notwithstanding sections 307 and 309 of this title, if a warrant officer, W–1, of the National Guard is promoted to the grade of chief warrant officer, W–2, to fill a vacancy in a federally recognized unit in the National

1 Guard, Federal recognition is automatically extended to
2 that officer in the grade of chief warrant officer, W-2,
3 effective as of the date on which that officer has completed
4 the service in the grade prescribe by the Secretary con-
5 cerned under section 12242 of title 10, if the warrant offi-
6 cer has remained in an active status since the warrant
7 officer was so recommended.”.

8 **SEC. 513. ON-LINE TRACKING OF CERTAIN RESERVE DUTY.**

9 The Secretary of Defense shall establish an online
10 means by which members of the Ready Reserve of the
11 Armed Forces can track their operational active-duty serv-
12 ice performed after January 28, 2008, under section
13 12301(a), 12301(d), 12301(g), 12302, or 12304 of title
14 10, United States Code. The tour calculator shall specify
15 early retirement credit authorized for each qualifying tour
16 of active duty, as well as cumulative early reserve retire-
17 ment credit authorized to date under the amendments to
18 section 12731 of such title made by section 647 of the
19 National Defense Authorization Act for fiscal year 2008
20 (Public Law 110-181; 122 Stat. 160).

1 **Subtitle C—General Service**
2 **Authorities**

3 **SEC. 521. MODIFICATIONS TO CAREER INTERMISSION**
4 **PILOT PROGRAM.**

5 (a) **EXTENSION OF PROGRAMS TO INCLUDE ACTIVE**
6 **GUARD AND RESERVE PERSONNEL.**—Subsection (a)(1) of
7 section 533 of Duncan Hunter National Defense Author-
8 ization Act for Fiscal Year 2009 (Public Law 110–417;
9 122 Stat. 4449; 10 U.S.C. 701 prec.) is amended by in-
10 serting after “officers and enlisted members of the regular
11 components” the following: “, and members of the Active
12 Guard and Reserve (as defined in section 101(b)(16) of
13 title 10, United States Code),”.

14 (b) **AUTHORITY TO CARRY FORWARD UNUSED AC-**
15 **CRUED LEAVE.**—Subsection (h) of such section is amend-
16 ed by adding at the end the following new paragraph:

17 “(5) **LEAVE.**—A member who participates in a
18 pilot program is entitled to carry forward the leave
19 balance, existing as of the day on which the member
20 begins participation and accumulated in accordance
21 with section 701 of title 10, United States Code, but
22 not to exceed 60 days.”.

23 (c) **AUTHORITY FOR DISABILITY PROCESSING.**—Sub-
24 section (j) of such section is amended—

1 (1) by striking “for purposes of the entitle-
2 ment” and inserting “for purposes of—

3 “(1) the entitlement”;

4 (2) by striking the period at the end and insert-
5 ing “; and”; and

6 (3) by adding at the end the following new
7 paragraph:

8 “(2) retirement or separation for physical dis-
9 ability under the provisions of chapters 55 and 61
10 of title 10, United States Code.”.

11 **SEC. 522. AUTHORITY FOR ADDITIONAL BEHAVIORAL**
12 **HEALTH PROFESSIONALS TO CONDUCT PRE-**
13 **SEPARATION MEDICAL EXAMS FOR POST-**
14 **TRAUMATIC STRESS DISORDER.**

15 Section 1177(a) of title 10, United States Code, is
16 amended—

17 (1) in paragraph (1), by striking “or psychia-
18 trist” and inserting “psychiatrist, licensed clinical
19 social worker, or psychiatric nurse practitioner”; and

20 (2) in paragraph (3), by striking “or psychia-
21 trist” and inserting “, psychiatrist, licensed clinical
22 social worker, or psychiatric nurse practitioner”.

1 **SEC. 523. AUTHORITY TO ACCEPT VOLUNTARY SERVICES**
2 **TO ASSIST DEPARTMENT OF DEFENSE EF-**
3 **FORTS TO ACCOUNT FOR MISSING PERSONS.**

4 Section 1501(a)(6) of title 10, United States Code,
5 is amended by adding at the end the following new sub-
6 paragraph:

7 “(D) Notwithstanding section 1342 of title 31, the
8 Secretary of Defense may accept voluntary services pro-
9 vided by individuals or non-Federal entities to further the
10 purposes of this chapter.”.

11 **SEC. 524. AUTHORIZED LEAVE AVAILABLE FOR MEMBERS**
12 **OF THE ARMED FORCES UPON BIRTH OR**
13 **ADOPTION OF A CHILD.**

14 Section 701 of title 10, United States Code, is
15 amended—

16 (1) by striking subsections (i) and (j) and in-
17 serting the following new subsection:

18 “(i)(1) A member of the armed forces who gives birth
19 to a child or who adopts a child in a qualifying child adop-
20 tion and will be primary caregiver for the adopted child
21 shall receive 42 days of leave after the birth or adoption
22 to be used in connection with the birth or adoption of the
23 child.

24 “(2) A married member of the armed forces on active
25 duty whose wife gives birth to a child or who adopts a
26 child in a qualifying child adoption, but will not be pri-

1 mary caregiver for the adopted child, shall receive 10 days
2 of leave to be used in connection with the birth or adoption
3 of the child.

4 “(3) If two members of the armed forces who are
5 married to each other adopt a child in a qualifying child
6 adoption, only one of the members may be designated as
7 primary caregiver for purposes of paragraph (1). In the
8 case of a dual-military couple, the member authorized
9 leave under paragraph (1) and the member authorized
10 leave under paragraph (2) may utilize the leave at the
11 same time.

12 “(4) For the purpose of this subsection, an adoption
13 of a child by a member is a qualifying child adoption if
14 the member is eligible for reimbursement of qualified
15 adoption expenses for such adoption under section 1052
16 of this title.

17 “(5) Leave authorized under this subsection is in ad-
18 dition to other leave provided under other provisions of
19 this section.

20 “(6) The Secretary of Defense may prescribe such
21 regulations as may be necessary to carry out this sub-
22 section.”; and

23 (2) by redesignating subsection (k) as sub-
24 section (j).

1 **SEC. 525. COMMAND RESPONSIBILITY AND ACCOUNT-**
2 **ABILITY FOR REMAINS OF MEMBERS OF THE**
3 **ARMY, NAVY, AIR FORCE, AND MARINE CORPS**
4 **WHO DIE OUTSIDE THE UNITED STATES.**

5 Not later than 60 days after the date of the enact-
6 ment of this Act, the Secretary of Defense shall take such
7 steps as may be necessary to ensure that there is contin-
8 uous, designated military command responsibility and ac-
9 countability for the care, handling, and transportation of
10 the remains of each deceased member of the Army, Navy,
11 Air Force, or Marine Corps who died outside the United
12 States, beginning with the initial recovery of the remains,
13 through the defense mortuary system, until the interment
14 of the remains or the remains are otherwise accepted by
15 the person designated as provided by section 1482(e) of
16 title 10, United States Code, to direct disposition of the
17 remains.

18 **SEC. 526. REPORT ON FEASIBILITY OF DEVELOPING GEN-**
19 **DER-NEUTRAL OCCUPATIONAL STANDARDS**
20 **FOR MILITARY OCCUPATIONAL SPECIALTIES**
21 **CURRENTLY CLOSED TO WOMEN.**

22 Not later than 60 days after the date of the enact-
23 ment of this Act, the Secretary of Defense shall submit
24 to the congressional defense committees a report evalu-
25 ating the feasibility of incorporating gender-neutral occu-
26 pational standards for military occupational specialties

1 closed, as of the date of the enactment of this Act, to fe-
2 male members of the Armed Forces.

3 **SEC. 527. COMPLIANCE WITH MEDICAL PROFILES ISSUED**
4 **FOR MEMBERS OF THE ARMED FORCES.**

5 (a) COMPLIANCE REQUIREMENT.—The Secretary of
6 a military department shall ensure that commanding offi-
7 cers—

8 (1) do not prohibit or otherwise restrict the
9 ability of physicians and other licensed health-care
10 providers to issue a medical profile for a member of
11 the Armed Forces; and

12 (2) comply with the terms of a medical profile
13 issued to a member of the Armed Forces is assign-
14 ing duties to the member.

15 (b) LIMITED WAIVER AUTHORITY.—The first general
16 officer or flag officer in the chain of command of a mem-
17 ber of the Armed Forces covered by a medical profile may
18 authorize, on a case-by-case basis, a temporary waiver of
19 the compliance requirement imposed by subsection (a)(2)
20 if the officer determines that the assignment of duties to
21 the member in violation of the terms of the medical profile
22 is vital to ensuring the readiness of the member and the
23 unit.

24 (c) MEDICAL PROFILE DEFINED.—In this section,
25 the term “medical profile”, with respect to a member of

1 the Armed Forces, means a limitation imposed by a physi-
2 cian or other licensed health-care provider on the physical
3 activity of the member on account of an illness or injury
4 to facilitate the member's recovery or reduce the serious-
5 ness of the illness or injury.

6 **Subtitle D—Military Justice and**
7 **Legal Matters**

8 **SEC. 531. CLARIFICATION AND ENHANCEMENT OF THE**
9 **ROLE OF STAFF JUDGE ADVOCATE TO THE**
10 **COMMANDANT OF THE MARINE CORPS.**

11 (a) APPOINTMENT BY THE PRESIDENT AND PERMA-
12 NENT APPOINTMENT TO GRADE OF MAJOR GENERAL.—
13 Subsection (a) of section 5046 of title 10, United States
14 Code, is amended—

15 (1) in the first sentence, by striking “detailed”
16 and inserting “appointed by the President, by and
17 with the advice and consent of the Senate,”; and

18 (2) by striking the second sentence and insert-
19 ing the following: “If the officer to be appointed as
20 the Staff Judge Advocate to the Commandant of the
21 Marine Corps holds a grade lower than the grade of
22 major general immediately before the appointment,
23 the officer shall be appointed in the grade of major
24 general.”.

1 (b) DUTIES, AUTHORITY, AND ACCOUNTABILITY.—

2 Such section is further amended—

3 (1) by redesignating subsection (c) as sub-
4 section (d); and

5 (2) by inserting after subsection (b) the fol-
6 lowing new subsection (c):

7 “(c) The Staff Judge Advocate to the Commandant
8 of the Marine Corps, under the direction of the Com-
9 mandant of the Marine Corps and the Secretary of the
10 Navy, shall—

11 “(1) perform such duties relating to legal mat-
12 ters arising in the Marine Corps as may be assigned
13 to the Staff Judge Advocate;

14 “(2) perform the functions and duties, and ex-
15 ercise the powers, prescribed for the Staff Judge Ad-
16 vocate to the Commandant of the Marine Corps in
17 chapters 47 (the Uniform Code of Military Justice)
18 and 53 of this title; and

19 “(3) perform such other duties as may be as-
20 signed to the Staff Judge Advocate.”.

21 (c) COMPOSITION OF HEADQUARTERS, MARINE
22 CORPS.—Section 5041(b) of such title is amended—

23 (1) by redesignating paragraphs (4) and (5) as
24 paragraphs (5) and (6), respectively; and

1 (2) by inserting after paragraph (3) the fol-
2 lowing new paragraph (4):

3 “(4) The Staff Judge Advocate to the Com-
4 mandant of the Marine Corps.”.

5 (d) SUPERVISION OF CERTAIN LEGAL SERVICES.—

6 (1) ADMINISTRATION OF MILITARY JUSTICE.—

7 Section 806(a) of such title (article 6(a) of the Uni-
8 form Code of Military Justice) is amended in the
9 third sentence by striking “or senior members of his
10 staff” and inserting “, the Staff Judge Advocate to
11 the Commandant of the Marine Corps, or senior
12 members of their staffs”.

13 (2) DELIVERY OF LEGAL ASSISTANCE.—Section
14 1044(b) of such title is amended by inserting “and,
15 within the Marine Corps, the Staff Judge Advocate
16 to the Commandant of the Marine Corps” after “ju-
17 risdiction of the Secretary”.

18 **SEC. 532. PERSONS WHO MAY EXERCISE DISPOSITION AU-**
19 **THORITY REGARDING CHARGES INVOLVING**
20 **CERTAIN SEXUAL MISCONDUCT OFFENSES**
21 **UNDER THE UNIFORM CODE OF MILITARY**
22 **JUSTICE.**

23 (a) PERSONS WHO MAY EXERCISE DISPOSITION AU-
24 THORITY.—

1 (1) DISPOSITION AUTHORITY.—With respect to
2 any charge under chapter 47 of title 10, United
3 States Code (the Uniform Code of Military Justice)
4 that alleges an offense specified in paragraph (2),
5 the Secretary of Defense shall require the Secre-
6 taries of the military departments to restrict disposi-
7 tion authority under section 830 of such chapter (ar-
8 ticle 30 of the Uniform Code of Military Justice) to
9 officers of the Armed Forces who have the authority
10 to convene special courts-martial under section 823
11 of such chapter (article 23 of the Uniform Code of
12 Military Justice), but no lower than the first colonel,
13 or in the case of the Navy, the first captain, with
14 a legal advisor (or access to a legal advisor) in the
15 chain of command of the person accused of commit-
16 ting the offense.

17 (2) COVERED OFFENSES.—Paragraph (1) ap-
18 plies with respect to a charge that alleges any of the
19 following offenses under chapter 47 of title 10,
20 United States Code (the Uniform Code of Military
21 Justice):

22 (A) Rape or sexual assault under sub-
23 section (a) or (b) of section 920 of such chapter
24 (article 120).

1 (B) Forcible sodomy under section 925 of
2 such chapter (article 125).

3 (C) An attempt to commit an offense spec-
4 ified in paragraph (1) or (2), as punishable
5 under section 880 of such chapter (article 80).

6 (b) IMPLEMENTATION.—

7 (1) SERVICE SECRETARIES.—The Secretaries of
8 the military departments shall revise policies and
9 procedures as necessary to comply with subsection
10 (a).

11 (2) SECRETARY OF DEFENSE.—Not later than
12 180 days after the date of the enactment of this Act,
13 the Secretary of Defense shall recommend such
14 changes to the Manual for Courts-Martial as are
15 necessary to ensure compliance with subsection (a).

16 (c) RECOMMENDATION OF ADDITIONAL CHANGES TO
17 MANUAL FOR COURTS-MARTIAL OR UCMJ POLICY.—Not
18 later than 180 days after the date of the enactment of
19 this Act, the Secretary of Defense shall make rec-
20 ommendations for additional changes to the Manual for
21 Courts-Martial or to Department of Defense policies that
22 would—

23 (1) ensure the consideration of the material
24 facts regarding an alleged offense specified in sub-
25 section (a)(2) or other sexual offense under sections

1 920 through 920c of title 10, United States Code
2 (articles 120 through 120c of the Uniform Code of
3 Military Justice) is given precedence over the consid-
4 eration of the character of the military service of the
5 person accused of the sexual offense; and

6 (2) require all commanders who receive a report
7 or complaint alleging an offense specified in sub-
8 section (a)(2) to refer the report or complaint to the
9 Defense Criminal Investigative Service, Army Crimi-
10 nal Investigative Command, Naval Criminal Inves-
11 tigative Service, or Air Force Office of Special Inves-
12 tigations, as the case may be.

13 **SEC. 533. INDEPENDENT REVIEW AND ASSESSMENT OF UNI-**
14 **FORM CODE OF MILITARY JUSTICE AND JU-**
15 **DICIAL PROCEEDINGS OF SEXUAL ASSAULT**
16 **CASES.**

17 (a) INDEPENDENT REVIEW AND ASSESSMENT.—The
18 Secretary of Defense shall establish an independent panel
19 to conduct an independent review and assessment of judi-
20 cial proceedings under the Uniform Code of Military Jus-
21 tice involving sexual assault and related offenses for the
22 purpose of developing potential improvements to such pro-
23 ceedings.

24 (b) INDEPENDENT PANEL FOR REVIEW.—

1 (1) COMPOSITION.—The panel shall be com-
2 posed of five members, appointed by the Secretary
3 of Defense from among private United States citi-
4 zens who have expertise in military law, civilian law,
5 prosecution of sexual assaults in Federal criminal
6 court, military justice policies, the missions of the
7 Armed Forces, or offenses relating to rape, sexual
8 assault, and other sexual misconduct under the Uni-
9 form Code of Military Justice.

10 (2) CHAIR.—The chair of the panel shall be ap-
11 pointed by the Secretary from among the members
12 of the panel appointed under paragraph (1).

13 (3) PERIOD OF APPOINTMENT; VACANCIES.—
14 Members shall be appointed for the life of the panel.
15 Any vacancy in the panel shall be filled in the same
16 manner as the original appointment.

17 (4) DEADLINE FOR APPOINTMENTS.—All origi-
18 nal appointments to the panel shall be made not
19 later than 120 days after the date of the enactment
20 of this Act.

21 (5) MEETINGS.—The panel shall meet at the
22 call of the chair.

23 (6) FIRST MEETING.—The chair shall call the
24 first meeting of the panel not later than 60 days

1 after the date of the appointment of all the members
2 of the panel.

3 (7) DURATION.—The panel shall expire on Sep-
4 tember 30, 2017.

5 (c) DUTIES.—

6 (1) ANNUAL REPORT ON IMPLEMENTATION OF
7 UCMJ AMENDMENTS.—The panel shall prepare an-
8 nual reports regarding the implementation of the re-
9 forms to the offenses relating to rape, sexual as-
10 sult, and other sexual misconduct under the Uni-
11 form Code of Military Justice enacted by section
12 541 of the National Defense Authorization Act for
13 Fiscal Year 2012 (Public Law 112–81; 125 Stat.
14 1404).

15 (2) REVIEW AND CONSULTATION.—In pre-
16 paring the reports, the panel shall review, evaluate,
17 and assess the following:

18 (A) The advisory sentencing guidelines
19 given by judges in Federal courts and how
20 those guidelines compare to advisory sentencing
21 guidance provided to panels rendering punish-
22 ments in court-martial proceedings, including
23 whether it would be more beneficial for advisory
24 sentencing guidelines to be provided to panels

1 or for discretion to be given to judges regarding
2 whether to issue advisory sentencing guidelines.

3 (B) The punishments or administrative ac-
4 tions taken in response to sexual assault court-
5 martial proceedings, including the number of
6 punishments or administrative actions taken as
7 rendered by a panel and the number of punish-
8 ments or administrative actions rendered by a
9 judge and the consistency and proportionality of
10 the decisions, punishments, and administrative
11 actions to the facts of each case compared with
12 Federal and State criminal courts.

13 (C) The court-martial convictions of sexual
14 assaults in the year covered by the report and
15 the number and description of instances when
16 punishments were reduced upon appeal and the
17 instances in which the defendant appealed fol-
18 lowing a plea agreement, if such information is
19 available.

20 (D) The number of instances in which the
21 previous sexual conduct of the alleged victim
22 was considered in Article 32 proceedings and
23 any instances where previous sexual conduct
24 was deemed to be inadmissible.

1 (E) The number of instances in which evi-
2 dence of the previous sexual conduct of the al-
3 leged victim was introduced by the defense in a
4 court-martial what impact that evidence had on
5 the case.

6 (F) The training level of defense and pros-
7 ecution trial counsel, including an inventory of
8 the experience of JAG lead trial counsel in each
9 instance and any existing standards or require-
10 ments for lead counsel, including their experi-
11 ence in defending or prosecuting sexual assault
12 and related offenses.

13 (G) Such other matters and materials as
14 the panel considers appropriate for purposes of
15 the reports.

16 (3) UTILIZATION OF OTHER STUDIES.—In pre-
17 paring the reports, the panel may review, and incor-
18 porate as appropriate, the findings of applicable on-
19 going and completed studies.

20 (4) FIRST REPORT.—Not later than 180 days
21 after its first meeting, the panel shall submit to the
22 Secretary of Defense and the Committees on Armed
23 Services of the Senate and the House of Representa-
24 tives its first report under this subsection. The panel
25 shall include proposals for such legislative or admin-

1 istrative action as the panel considers appropriate in
2 light of its review.

3 (d) POWERS OF PANEL.—

4 (1) HEARINGS.—The panel may hold such
5 hearings, sit and act at such times and places, take
6 such testimony, and receive such evidence as the
7 panel considers appropriate to carry out its duties
8 under this section.

9 (2) INFORMATION FROM FEDERAL AGENCIES.—

10 Upon request by the chair of the panel, any depart-
11 ment or agency of the Federal Government may pro-
12 vide information that the panel considers necessary
13 to carry out its duties under this section.

14 (e) PERSONNEL MATTERS.—

15 (1) PAY OF MEMBERS.—Members of the panel
16 shall serve without pay by reason of their work on
17 the panel.

18 (2) TRAVEL EXPENSES.—The members of the
19 panel shall be allowed travel expenses, including per
20 diem in lieu of subsistence, at rates authorized for
21 employees of agencies under subchapter I of chapter
22 57 of title 5, United States Code, while away from
23 their homes or regular places of business in the per-
24 formance or services for the panel.

1 **SEC. 534. COLLECTION AND RETENTION OF RECORDS ON**
2 **DISPOSITION OF REPORTS OF SEXUAL AS-**
3 **SAULT.**

4 (a) **COLLECTION.**—The Secretary of Defense shall re-
5 quire that the Secretary of each military department es-
6 tablish a record on the disposition of any report of sexual
7 assault, whether such disposition is court martial, non-
8 judicial punishment, or other administrative action. The
9 record of any such disposition shall include the following,
10 as appropriate:

11 (1) Documentary information collected about
12 the incident reported, other than investigator case
13 notes.

14 (2) Punishment imposed, including the sen-
15 tencing by judicial or non-judicial means including
16 incarceration, fines, restriction, and extra duty as a
17 result of military court-martial, Federal and local
18 court and other sentencing, or any other punishment
19 imposed.

20 (3) Administrative actions taken, if any.

21 (4) Any pertinent referrals offered as a result
22 of the incident (such as drug and alcohol counseling
23 and other types of counseling or intervention).

24 (b) **RETENTION.**—The Secretary of Defense shall re-
25 quire that—

1 (1) the records established pursuant to sub-
2 section (a) be retained by the Department of De-
3 fense for a period of not less than 20 years; and

4 (2) a copy of such records be maintained at a
5 centralized location for the same period as applies to
6 retention of the records under paragraph (1).

7 **SEC. 535. BRIEFING, PLAN, AND RECOMMENDATIONS RE-**
8 **GARDING EFFORTS TO PREVENT AND RE-**
9 **SPOND TO HAZING INCIDENTS INVOLVING**
10 **MEMBERS OF THE ARMED FORCES.**

11 (a) BRIEFING AND PLAN REQUIRED.—Not later than
12 May 1, 2013, the Secretary of Defense (and the Secretary
13 of Homeland Security in the case of the Coast Guard)
14 shall provide to the Committees on Armed Services of the
15 Senate and House of Representatives a briefing and plan
16 that outlines efforts by the Department of Defense and
17 the Coast Guard—

18 (1) to prevent the hazing of members of the
19 Armed Forces by other members of the Armed
20 Forces; and

21 (2) to respond to and resolve alleged hazing in-
22 cidents involving members of the Armed Forces, in-
23 cluding the prosecution of offenders through the use
24 of punitive articles under subchapter X of chapter

1 47 of title 10, United States Code (the Uniform
2 Code of Military Justice).

3 (b) DATABASE.—The plan required by subsection (a)
4 shall include the establishment of a database for the pur-
5 pose of improving the ability of the Department of De-
6 fense and the Coast Guard—

7 (1) to determine the extent to which hazing in-
8 cidents involving members of the Armed Forces are
9 occurring and the nature of such hazing incidents;
10 and

11 (2) to track, respond to, and resolve hazing in-
12 cidents involving members of the Armed Forces.

13 (c) RECOMMENDATIONS.—As part of the briefing re-
14 quired by subsection (a), the Secretary of Defense (and
15 the Secretary of Homeland Security in the case of the
16 Coast Guard) shall submit such recommendations for
17 changes to the Uniform Code of Military Justice and the
18 Manual for Courts-Martial as the Secretaries consider nec-
19 essary to improve the prosecution of hazing incidents.

20 (d) CONSULTATION.—The Secretary of Defense shall
21 prepare the plan, database, and recommendations required
22 by this section in consultation with the Secretaries of the
23 military departments.

24 (e) TRANSFER OF VICTIMS OF HAZING IN THE
25 ARMED FORCES.—The Secretary concerned (as defined in

1 section 101(a)(9) of title 10, United States Code) shall
2 develop and implement a procedure to transfer a member
3 of that branch of the Armed Forces who has been the vic-
4 tim of a substantiated incident of hazing to another unit
5 in such branch of the Armed Forces.

6 (f) HAZING DESCRIBED.—For purposes of carrying
7 out this section, the Secretary of Defense (and the Sec-
8 retary of Homeland Security in the case of the Coast
9 Guard) shall use the definition of hazing contained in the
10 August 28, 1997, Secretary of Defense Policy Memo-
11 randum, which defined hazing as any conduct whereby a
12 member of the Armed Forces, regardless of branch or
13 rank, without proper authority causes another member to
14 suffer, or be exposed to, any activity which is cruel, abu-
15 sive, humiliating, oppressive, demeaning, or harmful. So-
16 liciting or coercing another person to perpetrate any such
17 activity is also considered hazing. Hazing need not involve
18 physical contact among or between members of the Armed
19 Forces. Hazing can be verbal or psychological in nature.
20 Actual or implied consent to acts of hazing does not elimi-
21 nate the culpability of the perpetrator.

22 (g) ANNUAL REPORTING REQUIREMENT.—

23 (1) IN GENERAL.—The database required by
24 subsection (b) shall be used to develop and imple-
25 ment an annual congressional report.

1 (2) REPORTS REQUIRED.—Not later than Janu-
2 ary 15 of each year, the Secretary of Defense and
3 the Secretary of Homeland Security (with respect to
4 the Coast Guard) shall submit to the designated
5 congressional committees a report on the hazing in-
6 cidents involving members of the Armed Forces dur-
7 ing the preceding year.

8 (3) ELEMENTS.—Each report shall include the
9 following:

10 (A) an assessment by the Secretaries of
11 the implementation during the preceding year
12 of the policies and procedures of each Armed
13 Force on the prevention of and response to haz-
14 ing involving members of the Armed Forces in
15 order to determine the effectiveness of such
16 policies and procedures.

17 (B) Data on the number of alleged and
18 substantiated hazing incidents within each
19 Armed Force that occurred that year, including
20 the race, gender and Armed Force of the victim
21 and offender, the nature of the hazing, and ac-
22 tions taken to resolve and address the hazing.

23 (h) COMPTROLLER GENERAL REPORT.—

24 (1) REPORT REQUIRED.—Not later than one
25 year after the date of enactment of this Act, the

1 Comptroller General of the United States shall sub-
2 mit to the designated congressional committees a re-
3 port on the policies to prevent hazing and systems
4 initiated to track incidents of hazing in each of the
5 Armed Forces, including officer cadet schools, mili-
6 tary academies, military academy preparatory
7 schools, and basic training and professional schools
8 for enlisted members.

9 (2) ELEMENTS.—The report required by para-
10 graph (1) shall include the following:

11 (A) An evaluation of the definition of haz-
12 ing used pursuant to subsection (e).

13 (B) A description of the criteria used, and
14 the methods implemented, in the systems to
15 track incidents of hazing in the Armed Forces.

16 (C) An assessment of the following:

17 (i) The scope of hazing in each Armed
18 Force.

19 (ii) The policies in place and the
20 training on hazing provided to members
21 throughout the course of their careers for
22 each Armed Force.

23 (iii) The actions taken to mitigate
24 hazing incidents in each Armed Force.

1 (iv) The effectiveness of the training
2 and policies in place regarding hazing.

3 (v) The number of alleged and sub-
4 stantiated incidents of hazing over the last
5 five years for each Armed Force, the na-
6 ture of these cases and actions taken to
7 address such matters through non-judicial
8 and judicial action.

9 (D) An evaluation of the additional ac-
10 tions, if any, the Secretary of Defense and the
11 Secretary of Homeland Security propose to take
12 to further address the incidence of hazing in
13 the Armed Forces.

14 (E) Such recommendations as the Comp-
15 troller General considers appropriate for im-
16 proving hazing prevention programs, policies,
17 and other actions taken to address hazing with-
18 in the Armed Forces.

19 (i) DESIGNATED CONGRESSIONAL COMMITTEES DE-
20 FINED.—In subsections (f) and (g), the term “designated
21 congressional committees” means—

22 (1) the Committee on Armed Services, the
23 Committee on Oversight and Government Reform,
24 and the Committee on Commerce, Science and
25 Transportation of the Senate; and

1 (2) the Committee on Armed Services, the
2 Committee on Oversight and Government Reform,
3 and the Committee on Transportation and Infra-
4 structure of the House of Representatives.

5 **SEC. 536. PROTECTION OF RIGHTS OF CONSCIENCE OF**
6 **MEMBERS OF THE ARMED FORCES AND**
7 **CHAPLAINS OF SUCH MEMBERS.**

8 (a) PROTECTION.—Chapter 53 of title 10, United
9 States Code, is amended by inserting after section 1034
10 the following new section:

11 **“§ 1034a. Protection of rights of conscience of mem-**
12 **bers of the Armed Forces and chaplains**
13 **of such members**

14 “(a) PROTECTION OF RIGHTS OF CONSCIENCE.—The
15 Armed Forces shall accommodate the conscience and sin-
16 cerely held moral principles and religious beliefs of the
17 members of the Armed Forces concerning the appropriate
18 and inappropriate expression of human sexuality and may
19 not use such conscience, principles, or beliefs as the basis
20 of any adverse personnel action, discrimination, or denial
21 of promotion, schooling, training, or assignment. Nothing
22 in this subsection precludes disciplinary action for conduct
23 that is proscribed by chapter 47 of this title (the Uniform
24 Code of Military Justice).

1 “(b) PROTECTION OF CHAPLAINS.—(1) For purposes
2 of this title, a military chaplain is—

3 “(A) a certified religious leader or clergy of a
4 faith community who, after satisfying the profes-
5 sional and educational requirements of the commis-
6 sioning service, is commissioned as an officer in the
7 Chaplains Corps of one of the branches of the
8 Armed Forces; and

9 “(B) a representative of the faith group of the
10 chaplain, who remains accountable to the endorsing
11 faith group for the religious ministry involved to
12 members of the Armed Forces, to—

13 “(i) provide for the religious and spiritual needs
14 of members of the Armed Forces of that faith group;
15 and

16 “(ii) facilitate the religious needs of members of
17 the Armed Forces of other faith groups.

18 “(2) No member of the Armed Forces may—

19 “(A) direct, order, or require a chaplain to per-
20 form any duty, rite, ritual, ceremony, service, or
21 function that is contrary to the conscience, moral
22 principles, or religious beliefs of the chaplain, or con-
23 trary to the moral principles and religious beliefs of
24 the endorsing faith group of the chaplain; or

1 **SEC. 538. COORDINATION BETWEEN YELLOW RIBBON RE-**
2 **INTEGRATION PROGRAM AND SMALL BUSI-**
3 **NESS DEVELOPMENT CENTERS.**

4 The Office for Reintegration Programs shall assist
5 each State to coordinate services under the Yellow Ribbon
6 Reintegration Program under section 582 of the National
7 Defense Authorization Act of 2008 (10 U.S.C. 10101
8 note) with Small Business Development Centers (as de-
9 fined in section 3(t) of the Small Business Act) in each
10 State.

11 **Subtitle E—Member Education and**
12 **Training Opportunities and Ad-**
13 **ministration**

14 **SEC. 541. TRANSFER OF TROOPS-TO-TEACHERS PROGRAM**
15 **FROM DEPARTMENT OF EDUCATION TO DE-**
16 **PARTMENT OF DEFENSE AND ENHANCE-**
17 **MENTS TO THE PROGRAM.**

18 (a) TRANSFER OF FUNCTIONS.—

19 (1) TRANSFER.—The responsibility and author-
20 ity for operation and administration of the Troops-
21 to-Teachers Program in chapter A of subpart 1 of
22 part C of title II of the Elementary and Secondary
23 Education Act of 1965 (20 U.S.C. 6671 et seq.) is
24 transferred from the Secretary of Education to the
25 Secretary of Defense.

1 (2) EFFECTIVE DATE.—The transfer under
2 paragraph (1) shall take effect on the first day of
3 the first month beginning more than 90 days after
4 the date of the enactment of this Act, or on such
5 earlier date as the Secretary of Education and the
6 Secretary of Defense may jointly provide.

7 (b) ENACTMENT OF PROGRAM AUTHORITY IN TITLE
8 10, UNITED STATES CODE.—

9 (1) IN GENERAL.—Chapter 58 of title 10,
10 United States Code, is amended by adding at the
11 end the following new section:

12 **“§ 1154. Assistance to eligible members and former**
13 **members to obtain employment as teach-**
14 **ers: troops-to-teachers program**

15 “(a) DEFINITIONS.—In this section:

16 “(1) CHARTER SCHOOL.—The term ‘charter
17 school’ has the meaning given that term in section
18 5210(1) of the Elementary and Secondary Edu-
19 cation Act of 1965 (20 U.S.C. 7221i(1)).

20 “(2) ELIGIBLE SCHOOL.—The term ‘eligible
21 school’ means—

22 “(A) a public school, including a charter
23 school, at which—

24 “(i) at least 30 percent of the stu-
25 dents enrolled in the school are from fami-

1 lies with incomes below 185 percent of pov-
2 erty level (as defined by the Office of Man-
3 agement and Budget and revised at least
4 annually in accordance with section 9(b)(1)
5 of the Richard B. Russell National School
6 Lunch Act (42 U.S.C. 1758(b)(1)) applica-
7 ble to a family of the size involved; or

8 “(ii) at least 13 percent of the stu-
9 dents enrolled in the school qualify for as-
10 sistance under part B of the Individuals
11 with Disabilities Education Act; or

12 “(B) a Bureau-funded school as defined in
13 section 1141(3) of the Education Amendments
14 of 1978 (25 U.S.C. 2021(3)).

15 “(3) HIGH-NEED SCHOOL.—The term ‘high-
16 need school’ means—

17 “(A) an elementary or middle school in
18 which at least 50 percent of the enrolled stu-
19 dents are children from low-income families,
20 based on the number of children eligible to for
21 free and reduced priced lunches under the Rich-
22 ard B. Russell National School Lunch Act (42
23 U.S.C. 1751 et seq.), the number of children in
24 families receiving assistance under the State
25 program funded under part A of title IV of the

1 Social Security Act (42 U.S.C. 601 et seq.), the
2 number of children eligible to receive medical
3 assistance under the Medicaid program, or a
4 composite of these indicators;

5 “(B) a high school in which at least 40
6 percent of enrolled students are children from
7 low-income families, which may be calculated
8 using comparable data from feeder schools; or

9 “(C) a school that is in a local educational
10 agency that is eligible under section 6211(b) of
11 the Elementary and Secondary Education Act
12 of 1965 (20 U.S.C. 7345(b)).

13 “(4) MEMBER OF THE ARMED FORCES.—The
14 term ‘member of the armed forces’ includes a retired
15 or former member of the armed forces.

16 “(5) PARTICIPANT.—The term ‘participant’
17 means an eligible member of the armed forces se-
18 lected to participate in the Program.

19 “(6) PROGRAM.—The term ‘Program’ means
20 the Troops-to-Teachers Program authorized by this
21 section.

22 “(7) SECRETARY.—The term ‘Secretary’ means
23 the Secretary of Defense.

24 “(8) ADDITIONAL TERMS.—The terms ‘elemen-
25 tary school’, ‘local educational agency’, ‘secondary

1 school', and 'State' have the meanings given those
2 terms in section 9101 of the Elementary and Sec-
3 ondary Education Act of 1965 (20 U.S.C. 7801).

4 “(b) PROGRAM AUTHORIZATION.—The Secretary of
5 Defense may carry out a Troops-to-Teachers Program—

6 “(1) to assist eligible members of the armed
7 forces described in subsection (d) to obtain certifi-
8 cation or licensing as elementary school teachers,
9 secondary school teachers, or career or technical
10 teachers; and

11 “(2) to facilitate the employment of such mem-
12 bers—

13 “(A) by local educational agencies or char-
14 ter schools that the Secretary of Education
15 identifies as—

16 “(i) receiving grants under part A of
17 title I of the Elementary and Secondary
18 Education Act of 1965 (20 U.S.C. 6301
19 et. seq.) as a result of having within their
20 jurisdictions concentrations of children
21 from low-income families; or

22 “(ii) experiencing a shortage of teach-
23 ers, in particular a shortage of science,
24 mathematics, special education, foreign

1 language, or career or technical teachers;

2 and

3 “(B) in elementary schools or secondary

4 schools, or as career or technical teachers.

5 “(c) COUNSELING AND REFERRAL SERVICES.—The

6 Secretary may provide counseling and referral services to

7 members of the armed forces who do not meet the eligi-

8 bility criteria described in subsection (d), including the

9 education qualification requirements under paragraph

10 (3)(B) of such subsection.

11 “(d) ELIGIBILITY AND APPLICATION PROCESS.—

12 “(1) ELIGIBLE MEMBERS.—The following mem-

13 bers of the armed forces are eligible for selection to

14 participate in the Program:

15 “(A) Any member who—

16 “(i) on or after October 1, 1999, be-

17 comes entitled to retired or retainer pay

18 under this title or title 14;

19 “(ii) has an approved date of retire-

20 ment that is within one year after the date

21 on which the member submits an applica-

22 tion to participate in the Program; or

23 “(iii) has been transferred to the Re-

24 tired Reserve.

1 “(B) Any member who, on or after Janu-
2 ary 8, 2002—

3 “(i)(I) is separated or released from
4 active duty after four or more years of con-
5 tinuous active duty immediately before the
6 separation or release; or

7 “(II) has completed a total of at least
8 six years of active duty service, six years of
9 service computed under section 12732 of
10 this title, or six years of any combination
11 of such service; and

12 “(ii) executes a reserve commitment
13 agreement for a period of not less than
14 three years under paragraph (5)(B).

15 “(C) Any member who, on or after Janu-
16 ary 8, 2002, is retired or separated for physical
17 disability under chapter 61 of this title.

18 “(2) SUBMISSION OF APPLICATIONS.—(A) Se-
19 lection of eligible members of the armed forces to
20 participate in the Program shall be made on the
21 basis of applications submitted to the Secretary
22 within the time periods specified in subparagraph
23 (B). An application shall be in such form and con-
24 tain such information as the Secretary may require.

1 “(B) In the case of an eligible member of the
2 armed forces described in subparagraph (A)(i), (B),
3 or (C) of paragraph (1), an application shall be con-
4 sidered to be submitted on a timely basis under if
5 the application is submitted not later than three
6 years after the date on which the member is retired,
7 separated, or released from active duty, whichever
8 applies to the member.

9 “(3) SELECTION CRITERIA; EDUCATIONAL
10 BACKGROUND REQUIREMENTS; HONORABLE SERVICE
11 REQUIREMENT.—(A) The Secretary shall prescribe
12 the criteria to be used to select eligible members of
13 the armed forces to participate in the Program.

14 “(B) If a member of the armed forces is apply-
15 ing for the Program to receive assistance for place-
16 ment as an elementary school or secondary school
17 teacher, the Secretary shall require the member to
18 have received a baccalaureate or advanced degree
19 from an accredited institution of higher education.

20 “(C) If a member of the armed forces is apply-
21 ing for the Program to receive assistance for place-
22 ment as a career or technical teacher, the Secretary
23 shall require the member—

24 “(i) to have received the equivalent of one
25 year of college from an accredited institution of

1 higher education or the equivalent in military
2 education and training as certified by the De-
3 partment of Defense; or

4 “(ii) to otherwise meet the certification or
5 licensing requirements for a career or technical
6 teacher in the State in which the member seeks
7 assistance for placement under the Program.

8 “(D) A member of the armed forces is eligible
9 to participate in the Program only if the member’s
10 last period of service in the armed forces was honor-
11 able, as characterized by the Secretary concerned. A
12 member selected to participate in the Program be-
13 fore the retirement of the member or the separation
14 or release of the member from active duty may con-
15 tinue to participate in the Program after the retire-
16 ment, separation, or release only if the member’s
17 last period of service is characterized as honorable
18 by the Secretary concerned.

19 “(4) SELECTION PRIORITIES.—In selecting eli-
20 gible members of the armed forces to receive assist-
21 ance under the Program, the Secretary—

22 “(A) shall give priority to members who—

23 “(i) have educational or military expe-
24 rience in science, mathematics, special edu-

1 cation, foreign language, or career or tech-
2 nical subjects; and

3 “(ii) agree to seek employment as
4 science, mathematics, foreign language, or
5 special education teachers in elementary
6 schools or secondary schools or in other
7 schools under the jurisdiction of a local
8 educational agency; and

9 “(B) may give priority to members who
10 agree to seek employment in a high-need school.

11 “(5) OTHER CONDITIONS ON SELECTION.—(A)

12 Subject to subsection (i), the Secretary may not se-
13 lect an eligible member of the armed forces to par-
14 ticipate in the Program and receive financial assist-
15 ance unless the Secretary has sufficient appropria-
16 tions for the Program available at the time of the
17 selection to satisfy the obligations to be incurred by
18 the United States under subsection (e) with respect
19 to the member.

20 “(B) The Secretary may not select an eligible
21 member of the armed forces described in paragraph
22 (1)(B)(i) to participate in the Program and receive
23 financial assistance under subsection (e) unless the
24 member executes a written agreement to serve as a
25 member of the Selected Reserve of a reserve compo-

1 nent of the armed forces for a period of not less
2 than three years.

3 “(e) PARTICIPATION AGREEMENT AND FINANCIAL
4 ASSISTANCE.—

5 “(1) PARTICIPATION AGREEMENT.—(A) An eli-
6 gible member of the armed forces selected to partici-
7 pate in the Program under subsection (b) and to re-
8 ceive financial assistance under this subsection shall
9 be required to enter into an agreement with the Sec-
10 retary in which the member agrees—

11 “(i) within such time as the Secretary may
12 require, to obtain certification or licensing as an
13 elementary school teacher, secondary school
14 teacher, or career or technical teacher; and

15 “(ii) to accept an offer of full-time employ-
16 ment as an elementary school teacher, sec-
17 ondary school teacher, or career or technical
18 teacher for not less than three school years in
19 an eligible school to begin the school year after
20 obtaining that certification or licensing.

21 “(B) The Secretary may waive the three-year
22 commitment described in subparagraph (A)(ii) for a
23 participant if the Secretary determines such waiver
24 to be appropriate. If the Secretary provides the
25 waiver, the participant shall not be considered to be

1 in violation of the agreement and shall not be re-
2 quired to provide reimbursement under subsection
3 (f), for failure to meet the three-year commitment.

4 “(2) VIOLATION OF PARTICIPATION AGREE-
5 MENT; EXCEPTIONS.—A participant shall not be
6 considered to be in violation of the participation
7 agreement entered into under paragraph (1) during
8 any period in which the participant—

9 “(A) is pursuing a full-time course of
10 study related to the field of teaching at an in-
11 stitution of higher education;

12 “(B) is serving on active duty as a member
13 of the armed forces;

14 “(C) is temporarily totally disabled for a
15 period of time not to exceed three years as es-
16 tablished by sworn affidavit of a qualified physi-
17 cian;

18 “(D) is unable to secure employment for a
19 period not to exceed 12 months by reason of the
20 care required by a spouse who is disabled;

21 “(E) is unable to find full-time employ-
22 ment as a teacher in an elementary school or
23 secondary school or as a career or technical
24 teacher for a single period not to exceed 27
25 months; or

1 “(F) satisfies the provisions of additional
2 reimbursement exceptions that may be pre-
3 scribed by the Secretary.

4 “(3) STIPEND AND BONUS FOR PARTICI-
5 PANTS.—(A) Subject to subparagraph (C), the Sec-
6 retary may pay to a participant a stipend to cover
7 expenses incurred by the participant to obtain the
8 required educational level, certification or licensing.
9 Such stipend may not exceed \$5,000 and may vary
10 by participant.

11 “(B)(i) Subject to subparagraph (C), the Sec-
12 retary may pay a bonus to a participant who agrees
13 in the participation agreement under paragraph (1)
14 to accept full-time employment as an elementary
15 school teacher, secondary school teacher, or career
16 or technical teacher for not less than three school
17 years in an eligible school.

18 “(ii) The amount of the bonus may not exceed
19 \$5,000, unless the eligible school is a high-need
20 school, in which case the amount of the bonus may
21 not exceed \$10,000. Within such limits, the bonus
22 may vary by participant and may take into account
23 the priority placements as determined by the Sec-
24 retary.

1 “(C)(i) The total number of stipends that may
2 be paid under subparagraph (A) in any fiscal year
3 may not exceed 5,000.

4 “(ii) The total number of bonuses that may be
5 paid under subparagraph (B) in any fiscal year may
6 not exceed 3,000.

7 “(iii) A participant may not receive a stipend
8 under subparagraph (A) if the participant is eligible
9 for benefits under chapter 33 of title 38.

10 “(iv) The combination of a stipend under sub-
11 paragraph (A) and a bonus under subparagraph (B)
12 for any one participant may not exceed \$10,000.

13 “(4) TREATMENT OF STIPEND AND BONUS.—A
14 stipend or bonus paid under this subsection to a
15 participant shall be taken into account in deter-
16 mining the eligibility of the participant for Federal
17 student financial assistance provided under title IV
18 of the Higher Education Act of 1965 (20 U.S.C.
19 1070 et seq.).

20 “(f) REIMBURSEMENT UNDER CERTAIN CIR-
21 CUMSTANCES.—

22 “(1) REIMBURSEMENT REQUIRED.—A partici-
23 pant who is paid a stipend or bonus under this sub-
24 section shall be subject to the repayment provisions

1 of section 373 of title 37 under the following cir-
2 cumstances:

3 “(A) The participant fails to obtain teach-
4 er certification or licensing or to obtain employ-
5 ment as an elementary school teacher, sec-
6 ondary school teacher, or career or technical
7 teacher as required by the participation agree-
8 ment under subsection (e)(1).

9 “(B) The participant voluntarily leaves, or
10 is terminated for cause from, employment as an
11 elementary school teacher, secondary school
12 teacher, or career or technical teacher during
13 the three years of required service in violation
14 of the participation agreement.

15 “(C) The participant executed a written
16 agreement with the Secretary concerned under
17 subsection (d)(5)(B) to serve as a member of a
18 reserve component of the armed forces for a pe-
19 riod of three years and fails to complete the re-
20 quired term of service.

21 “(2) AMOUNT OF REIMBURSEMENT.—A partici-
22 pant required to reimburse the Secretary for a sti-
23 pend or bonus paid to the participant under sub-
24 section (e) shall pay an amount that bears the same
25 ratio to the amount of the stipend or bonus as the

1 unserved portion of required service bears to the
2 three years of required service.

3 “(3) INTEREST.—Any amount owed by a par-
4 ticipant under this subsection shall bear interest at
5 the rate equal to the highest rate being paid by the
6 United States on the day on which the reimburse-
7 ment is determined to be due for securities having
8 maturities of 90 days or less and shall accrue from
9 the day on which the participant is first notified of
10 the amount due.

11 “(4) EXCEPTIONS TO REIMBURSEMENT RE-
12 QUIREMENT.—A participant shall be excused from
13 reimbursement under this subsection if the partici-
14 pant becomes permanently totally disabled as estab-
15 lished by sworn affidavit of a qualified physician.
16 The Secretary may also waive the reimbursement in
17 cases of extreme hardship to the participant, as de-
18 termined by the Secretary.

19 “(g) RELATIONSHIP TO EDUCATIONAL ASSISTANCE
20 UNDER MONTGOMERY GI BILL.—Except as provided in
21 subsection (e)(3)(C)(iii), the receipt by a participant of a
22 stipend or bonus under subsection (e) shall not reduce or
23 otherwise affect the entitlement of the participant to any
24 benefits under chapter 30 or 33 of title 38 or chapter 1606
25 of this title.

1 “(h) PARTICIPATION BY STATES.—

2 “(1) DISCHARGE OF STATE ACTIVITIES
3 THROUGH CONSORTIA OF STATES.—The Secretary
4 may permit States participating in the Program to
5 carry out activities authorized for such States under
6 the Program through one or more consortia of such
7 States.

8 “(2) ASSISTANCE TO STATES.—(A) Subject to
9 subparagraph (B), the Secretary may make grants
10 to States participating in the Program, or to con-
11 sortia of such States, in order to permit such States
12 or consortia of States to operate offices for purposes
13 of recruiting eligible members of the armed forces
14 for participation in the Program and facilitating the
15 employment of participants as elementary school
16 teachers, secondary school teachers, and career or
17 technical teachers.

18 “(B) The total amount of grants made under
19 subparagraph (A) in any fiscal year may not exceed
20 \$5,000,000.

21 “(i) LIMITATION ON TOTAL FISCAL-YEAR OBLIGA-
22 TIONS.—The total amount obligated by the Secretary
23 under the Program for any fiscal year may not exceed
24 \$15,000,000.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions at the beginning of such chapter is amended
3 by adding at the end the following new item:

 “1154. Assistance to eligible members and former members to obtain employ-
 ment as teachers: Troops-to-Teachers Program.”.

4 (c) CONFORMING AMENDMENT.—Subparagraph (C)
5 of section 1142(b)(4) of such title is amended by striking
6 “section 2302” and all that follows through the end of
7 the subparagraph and inserting “under section 1154 of
8 this title.”.

9 (d) TERMINATION OF DEPARTMENT OF EDUCATION
10 TROOPS-TO-TEACHERS PROGRAM.—

11 (1) TERMINATION.—Chapter A of subpart 1 of
12 part C of title II of the Elementary and Secondary
13 Education Act of 1965 (20 U.S.C. 6671 et seq.) is
14 repealed.

15 (2) CLERICAL AMENDMENT.—The table of con-
16 tents in section 2 of the Elementary and Secondary
17 Education Act 1965 is amended by striking the
18 items relating to chapter A of subpart 1 of part C
19 of title II of such Act.

20 (3) EXISTING AGREEMENTS.—The repeal of
21 chapter A of subpart 1 of part C of title II of the
22 Elementary and Secondary Education Act of 1965
23 (20 U.S.C. 6671 et seq.) by paragraph (1) shall not
24 affect—

1 (A) the validity or terms of any agreement
2 entered into under such chapter, as in effect
3 immediately before such repeal, before the ef-
4 fective date of the transfer of the Troops-to-
5 Teachers Program under subsection (a); or

6 (B) the authority to pay assistance, make
7 grants, or obtain reimbursement in connection
8 with such an agreement as in effect before the
9 effective date of the transfer of the Troops-to-
10 Teachers Program under subsection (a).

11 **SEC. 542. SUPPORT OF NAVAL ACADEMY ATHLETIC AND**
12 **PHYSICAL FITNESS PROGRAMS.**

13 (a) **AUTHORITY TO SUPPORT PROGRAMS.**—Chapter
14 603 of title 10, United States Code, is amended by adding
15 at the end the following new section:

16 **“§ 6981. Support of athletic and physical fitness pro-**
17 **grams**

18 “(a) **AUTHORITY.**—The Secretary of the Navy may
19 enter into agreements, including cooperative agreements
20 (as described in section 6305 of title 31), with the Naval
21 Academy Athletic Association and its successors and as-
22 signs (in this section referred to as the ‘association’) to
23 manage any aspect of the athletic and physical fitness pro-
24 grams of the Naval Academy.

1 “(b) AUTHORITY TO PROVIDE SUPPORT TO ASSOCIA-
2 TION.—(1) The Secretary of the Navy may to transfer
3 funds to the association to pay expenses incurred by the
4 association in managing the athletic and physical fitness
5 programs of the Naval Academy.

6 “(2) The Secretary may provide personal property
7 and the services of members of the naval service and civil-
8 ian personnel of the Department of the Navy to assist the
9 association in managing the athletic and physical fitness
10 programs of the Naval Academy.

11 “(c) ACCEPTANCE OF GIFTS FROM THE ASSOCIA-
12 TION.—The Secretary of the Navy may accept from the
13 association funds, supplies, and services for the support
14 of the athletic and physical fitness programs of the Naval
15 Academy.

16 “(d) RECEIPT AND RETENTION OF FUNDS FROM AS-
17 SOCIATION AND OTHER SOURCES.—(1) The Secretary of
18 the Navy may receive from the association funds gen-
19 erated by the athletic and physical fitness programs of the
20 Naval Academy and any other activity of the association
21 and to retain and use such funds to further the mission
22 of the Naval Academy. Receipt and retention of such
23 funds shall be subject to oversight by the Secretary.

24 “(2) The Secretary may accept, use, and retain funds
25 from the National Collegiate Athletic Association and to

1 transfer all or part of those funds to the association for
2 the support of the athletic and physical fitness programs
3 of the Naval Academy.

4 “(e) USER FEES.—The Secretary of the Navy may
5 charge user fees to the association for the association’s
6 use of Naval Academy facilities for the conduct of summer
7 athletic camps. Fees collected under this subsection may
8 be retained for use in support of the Naval Academy ath-
9 letic program and shall remain available until expended.

10 “(f) LICENSING, MARKETING, AND SPONSORSHIP
11 AGREEMENTS.—(1) The Secretary of the Navy may enter
12 into an agreement with the association authorizing the as-
13 sociation to represent the Department of the Navy in con-
14 nection with licensing, marketing, and sponsorship agree-
15 ments relating to trademarks and service marks identi-
16 fying the Naval Academy, to the extent authorized by the
17 Chief of Naval Research and in accordance with sections
18 2260 and 5022 of this title.

19 “(2) Notwithstanding section 2260(d)(2) of this title,
20 any funds generated by the licensing, marketing, and
21 sponsorship under a agreement entered into under para-
22 graph (1) may be accepted, used, and retained by the Sec-
23 retary, or transferred by the Secretary to the association,
24 for—

1 “(A) payment of the costs of securing trade-
2 mark registrations and operating of licensing pro-
3 grams; or

4 “(B) supporting the athletic and physical fit-
5 ness programs of the Naval Academy.

6 “(g) AUTHORIZED SERVICE ON BOARD OF DIREC-
7 TORS.—The Secretary may authorize members of the
8 naval service and civilian personnel of the Department of
9 the Navy to serve in accordance with sections 1033 and
10 1589 of this title as members of the governing board of
11 the association.

12 “(h) CONDITIONS.—The authority provided in this
13 section with respect to the association is available only so
14 long as the association continues—

15 “(1) to qualify as a nonprofit organization
16 under section 501(c)(3) of the Internal Revenue
17 Code of 1986;

18 “(2) to operate in accordance with this section,
19 the laws of the State of Maryland, and the constitu-
20 tion and bylaws of the association; and

21 “(3) to operate exclusively to support the ath-
22 letic and physical fitness programs of the Naval
23 Academy.

24 “(i) CONGRESSIONAL NOTIFICATION.—Not later
25 than 60 days after the date on which the Secretary of the

1 Navy enters into an agreement under the authority of this
2 section, the Secretary shall provide a copy of the agree-
3 ment to the congressional defense committees.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 at the beginning of such chapter is amended by adding
6 at the end the following new item:

“6981. Support of athletic and physical fitness programs.”.

7 **SEC. 543. DEPARTMENT OF DEFENSE INSPECTOR GENERAL**
8 **REVIEW OF ACCESS TO MILITARY INSTALLA-**
9 **TIONS BY REPRESENTATIVES OF FOR-PROFIT**
10 **EDUCATIONAL INSTITUTIONS.**

11 (a) REVIEW REQUIRED.—The Inspector General of
12 the Department of Defense shall conduct a review to de-
13 termine the extent of the access that representatives of
14 for-profit educational institutions have to military installa-
15 tions and whether there are adequate safeguards in place
16 to regulate such access.

17 (b) ELEMENTS OF REVIEW.—The review shall deter-
18 mine at a minimum the following:

19 (1) The extent to which representatives of for-
20 profit educational institutions are accessing military
21 installations for marketing and recruitment pur-
22 poses.

23 (2) Whether there uniform and robust enforce-
24 ment of DOD Directive 1344.07.

1 (3) Whether additional Department rules, poli-
2 cies, or oversight mechanisms should be put in place
3 to regulate such practices.

4 (c) INSPECTOR GENERAL ACCESS.—The Secretary of
5 Defense shall ensure that the Inspector General has access
6 to all Department of Defense records and military installa-
7 tions for the purpose of conducting the review.

8 **SEC. 544. EXPANSION OF DEPARTMENT OF DEFENSE PILOT**
9 **PROGRAM ON RECEIPT OF CIVILIAN**
10 **CREDENTIALING FOR MILITARY OCCUPA-**
11 **TIONAL SPECIALTY SKILLS.**

12 (a) EXPANSION OF PROGRAM.—Subsection (b)(1) of
13 section 558 of the National Defense Authorization Act for
14 Fiscal Year 2012 (10 U.S.C. 2015 note) is amended by
15 striking “or more than five”.

16 (b) USE OF INDUSTRY-RECOGNIZED CERTIFI-
17 CATIONS.—Subsection (b) of such section is further
18 amended—

19 (1) by striking “and” at the end of paragraph
20 (1);

21 (2) by redesignating paragraph (2) as para-
22 graph (3); and

23 (3) by inserting after paragraph (1) the fol-
24 lowing new paragraph:

1 “(2) consider utilizing industry-recognized cer-
2 tifications or licensing opportunities for civilian oc-
3 cupational skills comparable to the specialties or
4 codes so designated; and”.

5 **Subtitle F—Decorations and**
6 **Awards**

7 **SEC. 551. ISSUANCE OF PRISONER-OF-WAR MEDAL.**

8 Section 1128(a)(4) of title 10, United States Code,
9 is amended by striking “that are hostile to the United
10 States,”.

11 **SEC. 552. AWARD OF PURPLE HEART TO MEMBERS OF THE**
12 **ARMED FORCES WHO WERE VICTIMS OF THE**
13 **ATTACKS AT RECRUITING STATION IN LITTLE**
14 **ROCK, ARKANSAS, AND AT FORT HOOD,**
15 **TEXAS.**

16 (a) AWARD REQUIRED.—The Secretary of the mili-
17 tary department concerned shall award the Purple Heart
18 to the members of the Armed Forces who were killed or
19 wounded in the attacks that occurred at the recruiting sta-
20 tion in Little Rock, Arkansas, on June 1, 2009, and at
21 Fort Hood, Texas, on November 5, 2009.

22 (b) EXCEPTION.—Subsection (a) shall not apply to
23 a member of the Armed Forces whose wound was the re-
24 sult of the willful misconduct of the member.

1 **SEC. 553. ADVANCEMENT OF BRIGADIER GENERAL**
2 **CHARLES E. YEAGER, UNITED STATES AIR**
3 **FORCE (RETIRED), ON THE RETIRED LIST.**

4 (a) **ADVANCEMENT.**—Brigadier General Charles E.
5 Yeager, United States Air Force (retired), is entitled to
6 hold the rank of major general while on the retired list
7 of the Air Force.

8 (b) **ADDITIONAL BENEFITS NOT TO ACCRUE.**—The
9 advancement of Charles E. Yeager on the retired list of
10 the Air Force under subsection (a) shall not affect the re-
11 tired pay or other benefits from the United States to
12 which Charles E. Yeager is now or may in the future be
13 entitled based upon his military service or affect any bene-
14 fits to which any other person may become entitled based
15 on his service.

16 **SEC. 554. AUTHORIZATION FOR AWARD OF THE MEDAL OF**
17 **HONOR TO FIRST LIEUTENANT ALONZO H.**
18 **CUSHING FOR ACTS OF VALOR DURING THE**
19 **CIVIL WAR.**

20 (a) **AUTHORIZATION.**—Notwithstanding the time lim-
21 itations specified in section 3744 of title 10, United States
22 Code, or any other time limitation with respect to the
23 awarding of certain medals to persons who served in the
24 Armed Forces, the President is authorized to award the
25 Medal of Honor under section 3741 of such title to then
26 First Lieutenant Alonzo H. Cushing for conspicuous acts

1 of gallantry and intrepidity at the risk of life and beyond
2 the call of duty in the Civil War, as described in subsection
3 (b).

4 (b) ACTS OF VALOR DESCRIBED.—The acts of valor
5 referred to in subsection (a) are the actions of then First
6 Lieutenant Alonzo H. Cushing while in command of Bat-
7 tery A, 4th United States Artillery, Army of the Potomac,
8 at Gettysburg, Pennsylvania, on July 3, 1863, during the
9 American Civil War.

10 **SEC. 555. RETROACTIVE AWARD OF ARMY COMBAT ACTION**

11 **BADGE.**

12 (a) AUTHORITY TO AWARD.—The Secretary of the
13 Army may award the Army Combat Action Badge (estab-
14 lished by order of the Secretary of the Army through
15 Headquarters, Department of the Army Letter 600–05–
16 1, dated June 3, 2005) to a person who, while a member
17 of the Army, participated in combat during which the per-
18 son personally engaged, or was personally engaged by, the
19 enemy at any time during the period beginning on Decem-
20 ber 7, 1941, and ending on September 18, 2001 (the date
21 of the otherwise applicable limitation on retroactivity for
22 the award of such decoration), if the Secretary determines
23 that the person has not been previously recognized in an
24 appropriate manner for such participation.

1 (b) PROCUREMENT OF BADGE.—The Secretary of
2 the Army may make arrangements with suppliers of the
3 Army Combat Action Badge so that eligible recipients of
4 the Army Combat Action Badge pursuant to subsection
5 (a) may procure the badge directly from suppliers, thereby
6 eliminating or at least substantially reducing administra-
7 tive costs for the Army to carry out this section.

8 **SEC. 556. REPORT ON NAVY REVIEW, FINDINGS, AND AC-**
9 **TIONS PERTAINING TO MEDAL OF HONOR**
10 **NOMINATION OF MARINE CORPS SERGEANT**
11 **RAFAEL PERALTA.**

12 Not later than 30 days after the date of the enact-
13 ment of this Act, the Secretary of the Navy shall submit
14 to the Committees on Armed Services of the Senate and
15 House of Representatives a report describing the Navy re-
16 view, findings, and actions pertaining to the Medal of
17 Honor nomination of Marine Corps Sergeant Rafael
18 Peralta. The report shall account for all evidence sub-
19 mitted with regard to the case.

1 **Subtitle G—Defense Dependents’**
2 **Education and Military Family**
3 **Readiness Matters**

4 **SEC. 561. CONTINUATION OF AUTHORITY TO ASSIST LOCAL**
5 **EDUCATIONAL AGENCIES THAT BENEFIT DE-**
6 **PENDENTS OF MEMBERS OF THE ARMED**
7 **FORCES AND DEPARTMENT OF DEFENSE CI-**
8 **VILIAN EMPLOYEES.**

9 (a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT
10 NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the
11 amount authorized to be appropriated for fiscal year 2013
12 by section 301 and available for operation and mainte-
13 nance for Defense-wide activities as specified in the fund-
14 ing table in section 4301, \$25,000,000 shall be available
15 only for the purpose of providing assistance to local edu-
16 cational agencies under subsection (a) of section 572 of
17 the National Defense Authorization Act for Fiscal Year
18 2006 (Public Law 109–163; 20 U.S.C. 7703b).

19 (b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT
20 CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE
21 CHANGES, OR FORCE RELOCATIONS.—Of the amount au-
22 thorized to be appropriated for fiscal year 2013 by section
23 301 and available for operation and maintenance for De-
24 fense-wide activities as specified in the funding table in
25 section 4301, \$5,000,000 shall be available only for the

1 purpose of providing assistance to local educational agen-
2 cies under subsection (b) of section 572 of the National
3 Defense Authorization Act for Fiscal Year 2006 (Public
4 Law 109–163; 20 U.S.C. 7703b).

5 (c) LOCAL EDUCATIONAL AGENCY DEFINED.—In
6 this section, the term “local educational agency” has the
7 meaning given that term in section 8013(9) of the Ele-
8 mentary and Secondary Education Act of 1965 (20 U.S.C.
9 7713(9)).

10 **SEC. 562. TRANSITIONAL COMPENSATION FOR DEPENDENT**
11 **CHILDREN WHO WERE CARRIED DURING**
12 **PREGNANCY AT THE TIME OF DEPENDENT-**
13 **ABUSE OFFENSE COMMITTED BY AN INDI-**
14 **VIDUAL WHILE A MEMBER OF THE ARMED**
15 **FORCES.**

16 (a) DEFINITION OF DEPENDENT CHILD.—Sub-
17 section (l) of section 1059 of title 10, United States Code,
18 is amended in the matter preceding paragraph (1) by
19 striking “at the time of the dependent-abuse offense re-
20 sulting in the separation of the former member” and in-
21 serting “or eligible spouse or former spouse at the time
22 of the dependent-abuse offense resulting in the separation
23 of the former member or who was carried during preg-
24 nancy at the time of the dependent-abuse offense resulting

1 in the separation of the former member and was subse-
2 quently born alive to the eligible spouse or former spouse”.

3 (b) DETERMINATION OF PAYMENT AMOUNT.—Sub-
4 section (f) of such section is amended by adding at the
5 end the following new paragraph:

6 “(4) A payment to a child under this section shall
7 not cover any period during which the child was in utero.”.

8 (c) PROSPECTIVE APPLICABILITY.—No benefits shall
9 accrue by reason of the amendments made by this section
10 for any month that begins before the date of the enact-
11 ment of this Act.

12 **SEC. 563. MODIFICATION OF AUTHORITY TO ALLOW DE-**
13 **PARTMENT OF DEFENSE DOMESTIC DEPEND-**
14 **ENT ELEMENTARY AND SECONDARY**
15 **SCHOOLS TO ENROLL CERTAIN STUDENTS.**

16 Section 2164 of title 10, United States Code, is
17 amended by adding at the end the following new sub-
18 sections:

19 “(k) ENROLLMENT OF RELOCATED DEFENSE DE-
20 PENDENTS’ EDUCATION SYSTEM STUDENTS.—(1) The
21 Secretary of Defense may authorize the enrollment in a
22 Department of Defense education program provided by
23 the Secretary pursuant to subsection (a) of a dependent
24 of a member of the armed forces or a dependent of a Fed-
25 eral employee who is enrolled in the defense dependents’

1 education system established under section 1402 of the
2 Defense Dependents' Education Act of 1978 (20 U.S.C.
3 921) if—

4 “(A) the dependents departed the overseas loca-
5 tion as a result of a evacuation order;

6 “(B) the designated safe haven of the depend-
7 ent is located within reasonable commuting distance
8 of a school operated by the Department of Defense
9 education program; and

10 “(C) the school possesses the capacity and re-
11 sources necessary to enable the student to attend the
12 school.

13 “(2) A dependent described in paragraph (1) who is
14 enrolled in a school operated by the Department of De-
15 fense education program pursuant to such paragraph may
16 attend the school only through the end of the school year.

17 “(1) ENROLLMENT IN VIRTUAL ELEMENTARY AND
18 SECONDARY EDUCATION PROGRAM.—(1) Under regula-
19 tions prescribed by the Secretary of Defense, the Secretary
20 may authorize the enrollment in the virtual elementary
21 and secondary education program established as a compo-
22 nent of the Department of Defense education program of
23 a dependent of a member of the armed forces on active
24 duty who—

1 of the servicemember from deployment, the custody order
2 that was in effect immediately preceding the temporary
3 order shall be reinstated, unless the court finds that such
4 a reinstatement is not in the best interest of the child,
5 except that any such finding shall be subject to subsection
6 (b).

7 “(b) EXCLUSION OF MILITARY SERVICE FROM DE-
8 TERMINATION OF CHILD’S BEST INTEREST.—If a motion
9 or a petition is filed seeking a permanent order to modify
10 the custody of the child of a servicemember, no court may
11 consider the absence of the servicemember by reason of
12 deployment, or the possibility of deployment, in deter-
13 mining the best interest of the child.

14 “(c) NO FEDERAL JURISDICTION OR RIGHT OF AC-
15 TION OR REMOVAL.—Nothing in this section shall create
16 a Federal right of action or otherwise give rise to Federal
17 jurisdiction or create a right of removal.

18 “(d) PREEMPTION.—In any case where State law ap-
19 plicable to a child custody proceeding involving a tem-
20 porary order as contemplated in this section provides a
21 higher standard of protection to the rights of the parent
22 who is a deploying servicemember than the rights provided
23 under this section with respect to such temporary order,
24 the appropriate court shall apply the higher State stand-
25 ard.

1 “(e) DEPLOYMENT DEFINED.—In this section, the
2 term ‘deployment’ means the movement or mobilization of
3 a servicemember to a location for a period of longer than
4 60 days and not longer than 18 months pursuant to tem-
5 porary or permanent official orders—

6 “(1) that are designated as unaccompanied;

7 “(2) for which dependent travel is not author-
8 ized; or

9 “(3) that otherwise do not permit the move-
10 ment of family members to that location.”.

11 (b) CLERICAL AMENDMENT.—The table of contents
12 in section 1(b) of such Act is amended by adding at the
13 end of the items relating to title II the following new item:
“208. Child custody protection.”.

14 **SEC. 565. TREATMENT OF RELOCATION OF MEMBERS OF**
15 **THE ARMED FORCES FOR ACTIVE DUTY FOR**
16 **PURPOSES OF MORTGAGE REFINANCING.**

17 (a) IN GENERAL.—Title III of the Servicemembers
18 Civil Relief Act is amended by inserting after section 303
19 (50 U.S.C. App. 533) the following new section:

20 **“SEC. 303A. TREATMENT OF RELOCATION OF**
21 **SERVICEMEMBERS FOR ACTIVE DUTY FOR**
22 **PURPOSES OF MORTGAGE REFINANCING.**

23 “(a) TREATMENT OF ABSENCE FROM RESIDENCE
24 DUE TO ACTIVE DUTY.—While a servicemember who is
25 the mortgagor under an existing mortgage does not reside

1 in the residence that secures the existing mortgage be-
2 cause of a relocation described in subsection (c)(1)(B), if
3 the servicemember inquires about or applies for a covered
4 refinancing mortgage, the servicemember shall be consid-
5 ered, for all purposes relating to the covered refinancing
6 mortgage (including such inquiry or application and eligi-
7 bility for, and compliance with, any underwriting criteria
8 and standards regarding such covered refinancing mort-
9 gage) to occupy the residence that secures the existing
10 mortgage to be paid or prepaid by such covered refi-
11 nancing mortgage as the principal residence of the service-
12 member during the period of such relocation.

13 “(b) LIMITATION.—Subsection (a) shall not apply
14 with respect to a servicemember who inquires about or ap-
15 plies for a covered refinancing mortgage if, during the 5-
16 year period preceding the date of such inquiry or applica-
17 tion, the servicemember entered into a covered refinancing
18 mortgage pursuant to this section.

19 “(c) DEFINITIONS.—In this section:

20 “(1) EXISTING MORTGAGE.—The term ‘existing
21 mortgage’ means a mortgage that is secured by a 1-
22 to 4-family residence, including a condominium or a
23 share in a cooperative ownership housing associa-
24 tion, that was the principal residence of a service-
25 member for a period that—

1 “(A) had a duration of 13 consecutive
2 months or longer; and

3 “(B) ended upon the relocation of the serv-
4 icemember caused by the servicemember receiv-
5 ing military orders for a permanent change of
6 station or to deploy with a military unit, or as
7 an individual in support of a military operation,
8 for a period of not less than 18 months that did
9 not allow the servicemember to continue to oc-
10 cupy such residence as a principal residence.

11 “(2) COVERED REFINANCING MORTGAGE.—The
12 term ‘covered refinancing mortgage’ means any
13 mortgage that—

14 “(A) is made for the purpose of paying or
15 prepaying, and extinguishing, the outstanding
16 obligations under an existing mortgage or mort-
17 gages; and

18 “(B) is secured by the same residence that
19 secured such existing mortgage or mortgages.”.

20 (b) CLERICAL AMENDMENT.—The table of contents
21 in section 1(b) of such Act is amended by inserting after
22 the item relating to section 303 the following new item:

“303A. Treatment of relocation of servicemembers for active duty for purposes
of mortgage refinancing.”.

1 **SEC. 566. SENSE OF CONGRESS REGARDING SUPPORT FOR**
2 **YELLOW RIBBON DAY.**

3 (a) FINDINGS.—Congress makes the following find-
4 ings:

5 (1) The hopes and prayers of the American peo-
6 ple for the safe return of members of the Armed
7 Forces serving overseas are demonstrated through
8 the proud display of yellow ribbons.

9 (2) The designation of a “Yellow Ribbon Day”
10 would serve as an additional reminder for all Ameri-
11 cans of the continued sacrifice of members of the
12 Armed Forces.

13 (3) Yellow Ribbon Day would also recognize the
14 history and meaning of the Yellow Ribbon as the
15 symbol of support for members of the Armed Forces
16 and American civilians serving in combat or crisis
17 situations overseas.

18 (b) SENSE OF CONGRESS.—Congress supports the
19 goals and ideals of Yellow Ribbon Day, observed on April
20 9th each year, in honor of members of the Armed Forces
21 and American civilians who are serving overseas in defense
22 of the United States apart from their families and loved
23 ones.

1 **Subtitle H—Improved Sexual As-**
2 **sault Prevention and Response**
3 **in the Armed Forces**

4 **SEC. 571. ESTABLISHMENT OF SPECIAL VICTIM TEAMS TO**
5 **RESPOND TO ALLEGATIONS OF CHILD**
6 **ABUSE, SERIOUS DOMESTIC VIOLENCE, OR**
7 **SEXUAL OFFENSES.**

8 (a) ESTABLISHMENT REQUIRED.—The Secretary of
9 each military department shall establish special victim
10 teams for the purpose of—

11 (1) investigating and prosecuting allegations of
12 child abuse, serious domestic violence, or sexual of-
13 fenses; and

14 (2) providing support for the victims of such of-
15 fenses.

16 (b) PERSONNEL.—A special victim team shall be
17 comprised of specially trained and selected—

18 (1) investigators from the Defense Criminal In-
19 vestigative Service, Army Criminal Investigative
20 Command, Naval Criminal Investigative Service, or
21 Air Force Office of Special Investigations;

22 (2) judge advocates;

23 (3) victim witness assistance personnel; and

24 (4) administrative paralegal support personnel.

1 (c) TRAINING, SELECTION, AND CERTIFICATION
2 STANDARDS.—The Secretary of each military department
3 shall prescribe standards for the training, selection, and
4 certification of personnel for special victim teams estab-
5 lished by that Secretary.

6 (d) TIME FOR ESTABLISHMENT.—

7 (1) DISCRETION REGARDING NUMBER OF
8 TEAMS NEEDED.—The Secretary of a military de-
9 partment shall determine the total number of special
10 victim teams to be established, and prescribe regula-
11 tions for their management and use, in order to pro-
12 vide effective, timely, and responsive world-wide sup-
13 port for the purposes described in subsection (a).
14 Not later than 270 days after the date of the enact-
15 ment of this Act, each Secretary shall submit to the
16 Committees on Armed Services of the Senate and
17 the House of Representatives a plan and time line
18 for the establishment of the special victim teams
19 that the Secretary has determined are needed.

20 (2) INITIAL TEAM.—Not later than one year
21 after the date of the enactment of this Act, the Sec-
22 retary of each military department shall have avail-
23 able for use at least one special victim team.

24 (e) EVALUATION OF EFFECTIVENESS.—Not later
25 than 180 days after the date of the enactment of this Act,

1 the Secretary of Defense shall prescribe the common cri-
2 teria to be used by the Secretaries of the military depart-
3 ments to measure the effectiveness and impact of the spe-
4 cial victim teams from the investigative, prosecutorial, and
5 victim’s perspectives, and require the Secretaries of the
6 military departments to collect and report the data re-
7 quired by the Secretary of Defense.

8 (f) SPECIAL VICTIM TEAM DEFINED.—In this sec-
9 tion, the term “special victim team” means a distinct, rec-
10 ognizable group of appropriately skilled professionals who
11 work collaboratively to achieve the purposes described in
12 subsection (a). This section does not require that a special
13 victim team be created as separate military unit or have
14 a separate chain of command.

15 **SEC. 572. ENHANCEMENT TO TRAINING AND EDUCATION**
16 **FOR SEXUAL ASSAULT PREVENTION AND RE-**
17 **SPONSE.**

18 Section 585 of the National Defense Authorization
19 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
20 1434) is amended by adding at the end the following new
21 subsections:

22 “(d) COMMANDERS’ TRAINING.—The Secretary of
23 Defense shall provide for the inclusion of a sexual assault
24 prevention and response training module in the training
25 for new or prospective commanders at all levels of com-

1 mand. The training shall be tailored to the responsibilities
2 and leadership requirements of members of the Armed
3 Forces as they are assigned to command positions. Such
4 training shall include the following:

5 “(1) Fostering a command climate that does
6 not tolerate sexual assault.

7 “(2) Fostering a command climate in which
8 persons assigned to the command are encouraged to
9 intervene to prevent potential incidents of sexual as-
10 sault.

11 “(3) Fostering a command climate that encour-
12 ages victims of sexual assault to report any incident
13 of sexual assault.

14 “(4) Understanding the needs of, and the re-
15 sources available to, the victim after an incident of
16 sexual assault.

17 “(5) Use of military criminal investigative orga-
18 nizations for the investigation of alleged incidents of
19 sexual assault.

20 “(6) Available disciplinary options, including
21 court-martial, non-judicial punishment, administra-
22 tive action, and deferral of discipline for collateral
23 misconduct, as appropriate.

24 “(e) EXPLANATION TO BE INCLUDED IN INITIAL
25 ENTRY AND ACCESSION TRAINING.—

1 “(1) REQUIREMENT.—The Secretary of De-
 2 fense shall require that the matters specified in
 3 paragraph (2) be carefully explained to each member
 4 of the Army, Navy, Air Force, and Marine Corps at
 5 the time of (or within fourteen duty days after)—

6 “(A) the member’s initial entrance on ac-
 7 tive duty; or

8 “(B) the member’s initial entrance into a
 9 duty status with a reserve component.

10 “(2) MATTERS TO BE EXPLAINED.—This sub-
 11 section applies with respect to the following:

12 “(A) Department of Defense policy with
 13 respect to sexual assault.

14 “(B) The resources available with respect
 15 to sexual assault reporting and prevention and
 16 the procedures to be followed by a member
 17 seeking to access those resources.”.

18 **SEC. 573. ENHANCEMENT TO REQUIREMENTS FOR AVAIL-**
 19 **ABILITY OF INFORMATION ON SEXUAL AS-**
 20 **SAULT PREVENTION AND RESPONSE RE-**
 21 **SOURCES.**

22 (a) REQUIRED POSTING OF INFORMATION ON SEX-
 23 UAL ASSAULT PREVENTION AND RESPONSE RE-
 24 SOURCES.—

1 (1) POSTING.—The Secretary of Defense shall
2 require that there be prominently posted, in accord-
3 ance with paragraph (2), notice of the following in-
4 formation relating to sexual assault prevention and
5 response, in a form designed to ensure visibility and
6 understanding:

7 (A) Resource information for members of
8 the Armed Forces, military dependents, and ci-
9 vilian personnel of the Department of Defense
10 with respect to prevention of sexual assault and
11 reporting of incidents of sexual assault.

12 (B) Contact information for personnel who
13 are designated as Sexual Assault Response Co-
14 ordinators and Sexual Assault Victim Advo-
15 cates.

16 (C) The Department of Defense “hotline”
17 telephone number, referred to as the Safe
18 Helpline, for reporting incidents of sexual as-
19 sault, or any successor operation.

20 (2) POSTING PLACEMENT.—Posting under sub-
21 section (a) shall be at the following locations, to the
22 extent practicable:

23 (A) Any Department of Defense duty facil-
24 ity.

1 (B) Any Department of Defense dining fa-
2 cility.

3 (C) Any Department of Defense multi-unit
4 residential facility.

5 (D) Any Department of Defense health
6 care facility.

7 (E) Any Department of Defense com-
8 missary or exchange.

9 (F) Any Department of Defense Commu-
10 nity Service Agency.

11 (G) Any Department of Defense website.

12 (b) NOTICE TO VICTIMS OF AVAILABLE ASSIST-
13 ANCE.—The Secretary of Defense shall require that proce-
14 dures in the Department of Defense for responding to a
15 complaint or allegation of sexual assault submitted by or
16 against a member of the Armed Forces include prompt
17 notice to the person making the complaint or allegation
18 of the forms of assistance available to that person from
19 the Department of Defense and, to the extent known to
20 the Secretary, through other departments and agencies,
21 including State and local agencies, and other sources.

1 **SEC. 574. MODIFICATION OF ANNUAL DEPARTMENT OF DE-**
2 **FENSE REPORTING REQUIREMENTS REGARD-**
3 **ING SEXUAL ASSAULTS.**

4 (a) **GREATER DETAIL IN CASE SYNOPSES PORTION**
5 **OF REPORT.**—Section 1631 of the Ike Skelton National
6 Defense Authorization Act for Fiscal Year 2011 (Public
7 Law 111–383; 124 Stat. 4433; 10 U.S.C. 1561 note) is
8 amended by adding at the end the following new sub-
9 section:

10 “(f) **ADDITIONAL DETAILS FOR CASE SYNOPSES**
11 **PORTION OF REPORT.**—The Secretary of each military de-
12 partment shall include in the case synopses portion of each
13 report described in subsection (b)(3) the following addi-
14 tional information:

15 “(1) If an Article 32 Investigating Officer rec-
16 ommends dismissal of the charges against a member
17 of the Armed Forces accused of committing a sexual
18 assault, the case synopsis shall explicitly state the
19 reasons for that recommendation.

20 “(2) If the case synopsis states that a member
21 of the Armed Forces accused of committing a sexual
22 assault was administratively separated or, in the
23 case of an officer, allowed to resign in lieu of facing
24 a court martial, the case synopsis shall include the
25 characterization (honorable, general, or other than

1 honorable) given the service of the member upon
2 separation.

3 “(3) The case synopsis shall indicate whether a
4 member of the Armed Forces accused of committing
5 a sexual assault was ever previously accused of a
6 substantiated sexual assault.

7 “(4) The case synopsis shall indicate the branch
8 of the Armed Forces of each member accused of
9 committing a sexual assault and the branch of the
10 Armed Forces of each member who is a victim of a
11 sexual assault.

12 “(5) If the case disposition includes non-judicial
13 punishment, the case synopsis shall explicitly state
14 the nature of the punishment.

15 “(6) If alcohol was involved in any way in a
16 substantiated sexual assault incident, the case syn-
17 oopsis shall specify whether the member of the Armed
18 Forces accused of committing the sexual assault had
19 previously been ordered to attend substance abuse
20 counseling.”.

21 (b) APPLICATIONS FOR CERTAIN TRANSFERS BY
22 SEXUAL ASSAULT VICTIMS.—Subsection (b) of such sec-
23 tion is amended by adding at the end the following new
24 paragraph:

1 Armed Forces under the jurisdiction of that Secretary
2 during the preceding year. For purposes of complying with
3 this section, the Secretary of the military department con-
4 cerned shall apply subsection (b) of such section 1631 by
5 substituting the term “sexual harassment” for “sexual as-
6 sault” each place it appears in paragraphs (1) through
7 (4) of such subsection.

8 **SEC. 576. CONTINUED SUBMISSION OF PROGRESS REPORTS**
9 **REGARDING CERTAIN INCIDENT INFORMA-**
10 **TION MANAGEMENT TOOLS.**

11 (a) **REPORTS REQUIRED.**—Not later than August 28,
12 2012, and every six months thereafter until the date deter-
13 mined under subsection (b), the Secretary of Defense shall
14 submit to the Committees on Armed Services of the Sen-
15 ate and the House of Representatives a report describing
16 the progress made during the previous six months to en-
17 sure that both of the following are fully functional and
18 operational:

19 (1) The Defense Incident-Based Reporting Sys-
20 tem.

21 (2) The Defense Sexual Assault Incident Data-
22 base.

23 (b) **DURATION OF REPORTING REQUIREMENT.**—The
24 reporting requirement imposed by subsection (a) shall con-
25 tinue until the date on which the Secretary of Defense

1 (1) subtitle H of title V of the National Defense
2 Authorization Act for Fiscal Year 2012 (Public Law
3 112–81; 125 Stat. 1430) and the amendments made
4 by that subtitle;

5 (2) the additional initiatives announced by the
6 Secretary of Defense on April 17, 2012, to address
7 sexual assault involving members of the Armed
8 Forces; and

9 (3) any other initiatives, policies, or programs
10 being undertaken by the Secretary of Defense and
11 the Secretaries of the military departments to ad-
12 dress sexual assault involving members of the Armed
13 Forces.

14 **SEC. 578. ARMED FORCES WORKPLACE AND GENDER RELA-**
15 **TIONS SURVEYS.**

16 (a) **ADDITIONAL CONTENT OF SURVEYS.**—Sub-
17 section (c) of section 481 of title 10, United States Code,
18 is amended—

19 (1) by striking “harassment and discrimina-
20 tion” and inserting “harassment, assault, and dis-
21 crimination”;

22 (2) by redesignating paragraphs (2) and (3) as
23 paragraphs (3) and (4); respectively;

24 (3) by inserting after paragraph (1) the fol-
25 lowing new paragraph (2):

1 “(2) The specific types of assault that have oc-
2 curred, and the number of times each respondent
3 has been assaulted during the preceding year.”;

4 (4) in paragraph (4), as so redesignated, by
5 striking “discrimination” and inserting “discrimina-
6 tion, harassment, and assault”; and

7 (5) by adding at the end the following new
8 paragraph

9 “(5) Any other issues relating to discrimination,
10 harassment, or assault as the Secretary of Defense
11 considers appropriate.”.

12 (b) TIME FOR CONDUCTING OF SURVEYS.—Such sec-
13 tion is further amended—

14 (1) in subsection (a)(1), by striking “four quad-
15 rennial surveys (each in a separate year)” and in-
16 serting “four surveys”; and

17 (2) by striking subsection (d) and inserting the
18 following new subsection:

19 “(d) WHEN SURVEYS REQUIRED.—(1) One of the
20 two Armed Forces Workplace and Gender Relations Sur-
21 veys shall be conducted in 2014 and then every second
22 year thereafter and the other Armed Forces Workplace
23 and Gender Relations Survey shall be conducted in 2015
24 and then every second year thereafter, so that one of the
25 two surveys is being conducted each year.

1 “(2) The two Armed Forces Workplace and Equal
2 Opportunity Surveys shall be conducted at least once every
3 four years. The two surveys may not be conducted in the
4 same year.”.

5 **SEC. 579. REQUIREMENT FOR COMMANDERS TO CONDUCT**
6 **ANNUAL ORGANIZATIONAL CLIMATE ASSESS-**
7 **MENTS.**

8 (a) REQUIREMENT.—The Secretary of Defense shall
9 require the commander of each covered unit to conduct
10 an organizational climate assessment within 120 days
11 after the commander assumes command and annually
12 thereafter.

13 (b) DEFINITIONS.—In this section:

14 (1) COVERED UNIT.—The term “covered unit”
15 means any organizational element of the Armed
16 Forces (other than the Coast Guard) with more than
17 50 members assigned, including any such element of
18 a reserve component.

19 (2) ORGANIZATIONAL CLIMATE ASSESSMENT.—
20 The term “organizational climate assessment”
21 means an assessment intended to obtain information
22 about the positive and negative factors that may
23 have an impact on unit effectiveness and readiness
24 by measuring matters relating to human relations

1 climate such as prevention and response to sexual
2 assault and equal opportunity.

3 **SEC. 580. ADDITIONAL REQUIREMENTS FOR ORGANIZA-**
4 **TIONAL CLIMATE ASSESSMENTS.**

5 (a) ELEMENTS OF ASSESSMENTS.—An organiza-
6 tional climate assessment shall include avenues for mem-
7 bers of the Armed Forces to express their views on how
8 their leaders, including commanders, are responding to al-
9 legations of sexual assault and complaints of sexual har-
10 assment. The Secretary of Defense shall require the Office
11 of Diversity Management and Equal Opportunity and the
12 Sexual Assault Prevention and Response Office to ensure
13 equal opportunity advisors and officers of the Sexual As-
14 sault Prevention and Response Office are available to con-
15 duct these assessments.

16 (b) ENSURING COMPLIANCE.—

17 (1) IN GENERAL.—The Secretary of Defense
18 shall direct the Secretaries of the military depart-
19 ments to verify and track the compliance of com-
20 manding officers in conducting organizational cli-
21 mate assessments.

22 (2) IMPLEMENTATION.—No later than 90 days
23 after the date of the enactment of this Act, the Sec-
24 retary of Defense shall submit to the Committees on

1 Armed Services of the Senate and House of Rep-
2 resentatives a report containing—

3 (A) a description of the progress of the de-
4 velopment of the system that will verify and
5 track the compliance of commanding officers in
6 conducting organizational climate assessments;
7 and

8 (B) an estimate of when the system will be
9 completed and implemented.

10 (c) CONSULTATION.—In developing the sexual har-
11 assment and sexual assault portion of an organizational
12 climate assessment, the Secretary of Defense shall consult
13 with representatives of the following:

14 (1) The Sexual Assault Prevention and Re-
15 sponse Office.

16 (2) The Office of Diversity Management.

17 (3) Appropriate non-Governmental organiza-
18 tions that have expertise in areas related to sexual
19 harassment and sexual assault in the Armed Forces.

20 (d) RELATION TO OTHER REPORTING REQUIRE-
21 MENTS.—The reporting requirements of this section are
22 in addition to, and an expansion of, the Armed Forces
23 Workplace and Gender Relations Surveys required by sec-
24 tion 481 of title 10, United States Code.

1 **SEC. 581. REVIEW OF UNRESTRICTED REPORTS OF SEXUAL**
2 **ASSAULT AND SUBSEQUENT SEPARATION OF**
3 **MEMBERS MAKING SUCH REPORTS.**

4 (a) REVIEW REQUIRED.—The Secretary of Defense
5 shall conduct a review of all unrestricted reports of sexual
6 assault made by members of the Armed Forces since Octo-
7 ber 1, 2000, to determine the number of members who
8 were subsequently separated from the Armed Forces and
9 the circumstances of and grounds for such separation.

10 (b) ELEMENTS OF REVIEW.—The review shall deter-
11 mine at a minimum the following:

12 (1) For each member who made an unrestricted
13 report of sexual assault and was subsequently sepa-
14 rated, the reason provided for the separation and
15 whether the member requested an appeal.

16 (2) For each member separated on the grounds
17 of having a personality disorder, whether the separa-
18 tion was carried out in compliance with Department
19 of Defense Instruction 1332.14.

20 (3) For each member who requested an appeal,
21 the basis and results of the appeal.

22 (c) SUBMISSION OF RESULTS.—Not later than 180
23 days after the date of the enactment of this Act, the Sec-
24 retary of Defense shall submit to the Committees on
25 Armed Services of the Senate and House of Representa-
26 tives a report containing the results of the review.

1 **SEC. 582. LIMITATION ON RELEASE FROM ACTIVE DUTY OR**
2 **RECALL TO ACTIVE DUTY OF RESERVE COM-**
3 **PONENT MEMBERS WHO ARE VICTIMS OF**
4 **SEXUAL ASSAULT WHILE ON ACTIVE DUTY.**

5 (a) IN GENERAL.—Chapter 1209 of title 10, United
6 States Code, is amended by adding at the end the fol-
7 lowing new section:

8 **“§ 12323. Active duty for response to sexual assault**

9 “(a) CONTINUATION ON ACTIVE DUTY.—In the case
10 of a member of a reserve component who is the alleged
11 victim of sexual assault committed while on active duty
12 and who is expected to be released from active duty before
13 the determination of whether the member was assaulted
14 while in the line of duty, the Secretary concerned may,
15 upon the request of the member, order the member to be
16 retained on active duty until the line of duty determina-
17 tion, but not to exceed 180 days beyond the original expi-
18 ration of active duty date. A member eligible for continu-
19 ation on active duty under this subsection shall be in-
20 formed as soon as practicable after the alleged assault of
21 the option to request continuation on active duty under
22 this subsection.

23 “(b) RETURN TO ACTIVE DUTY.—In the case of a
24 member of a reserve component not on active duty who
25 is the alleged victim of a sexual assault that occurred while
26 the member was on active duty and when the determina-

1 tion whether the member was in the line of duty is not
2 completed, the Secretary concerned may, upon the request
3 of the member, order the member to active duty for such
4 time as necessary to complete the line of duty determina-
5 tion, but not to exceed 180 days.

6 “(c) REGULATIONS.—The Secretaries of the military
7 departments shall prescribe regulations to carry out this
8 section, subject to guidelines prescribed by the Secretary
9 of Defense. The guidelines of the Secretary of Defense
10 shall provide that—

11 “(1) a request submitted by a member de-
12 scribed in subsection (a) or (b) to continue on active
13 duty, or to be ordered to active duty, respectively,
14 must be decided within 30 days from the date of the
15 request; and

16 “(2) if the request is denied, the member may
17 appeal to the first general officer or flag officer in
18 the chain of command of the member, and in the
19 case of such an appeal a decision on the appeal must
20 be made within 15 days from the date of the ap-
21 peal.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of such chapter is amended adding at
24 the end the following new item:

“12323. Active duty for response to sexual assault.”.

1 **SEC. 583. INCLUSION OF INFORMATION ON SUBSTAN-**
2 **TIATED REPORTS OF SEXUAL HARASSMENT**
3 **IN MEMBER'S OFFICIAL SERVICE RECORD.**

4 (a) INCLUSION.—If a complaint of sexual harassment
5 is made against a member of the Army, Navy, Air Force,
6 or Marine Corps and the complaint is substantiated, a no-
7 tation to that effect shall be placed in the service record
8 of the member, regardless of the member's rank, for the
9 purpose of—

10 (1) reducing the likelihood that a member who
11 has committed sexual harassment can commit the
12 same offense multiple times without suffering the
13 appropriate consequences; and

14 (2) alerting commanders of the background of
15 the members of their command, so the commanders
16 have better awareness of its members, especially as
17 members are transferred.

18 (b) DEFINITION OF SUBSTANTIATED.—For purposes
19 of implementing this section, the Secretary of Defense
20 shall use the definition of substantiated developed for the
21 annual report on sexual assaults involving members of the
22 Armed Forces prepared under section 1631 of the Ike
23 Skelton National Defense Authorization Act for Fiscal
24 Year 2011 (Public Law 111–383; 124 Stat. 4433; 10
25 U.S.C. 1561 note).

1 **SEC. 584. SENSE OF CONGRESS ON MILITARY SEXUAL**
2 **TRAUMA.**

3 (a) FINDINGS.—Congress finds the following:

4 (1) The Department of Defense conducted a
5 survey of members of the Armed Forces serving on
6 active duty that revealed that only 13.5 percent of
7 such members reported incidents of sexual assault,
8 which means that more than 19,000 incidents of
9 sexual assault of members of the Armed Forces ac-
10 tually occurred in 2010 alone.

11 (2) Despite attempts, the Department of De-
12 fense has failed to address the chronic under report-
13 ing of incidents of sexual assault and harassment, as
14 by the Department's own estimates, 86 percent of
15 sexual assaults went unreported in 2010.

16 (3) Sexual assault in the military is an ongoing
17 problem leading many victims to seek help after sep-
18 aration from the Armed Forces from the Depart-
19 ment of Veterans Affairs.

20 (4) About 1 in 5 women and 1 in 100 men seen
21 in Veterans Health Administration respond "Yes"
22 when screened for military sexual trauma.

23 (5) Among users of healthcare provided by the
24 Department of Veterans Affairs, medical record data
25 indicates that diagnoses of post-traumatic stress dis-
26 order and other anxiety disorders, depression and

1 other mood disorders, and substance use disorders
2 are most frequently associated with military sexual
3 trauma.

4 (b) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that—

6 (1) the Secretary of Veterans Affairs should ex-
7 pand efforts to raise awareness about military sexual
8 trauma and the treatment and services that the De-
9 partment provides to victims; and

10 (2) in light of the fact that the available data
11 shows an overwhelming number of military sexual
12 trauma claims go unreported within the Department
13 of Defense, making it very difficult for veterans to
14 show proof of the assault when filing claims with the
15 Department of Veterans Affairs for post-traumatic
16 stress disorder and other mental health conditions
17 caused by military sexual trauma, the Secretary of
18 Veterans Affairs should review the disability process
19 to ensure that victims of military sexual trauma who
20 file claims for service connection do not face unnec-
21 essary or overly burdensome requirements in order
22 to claim disability benefits with the Department.

1 **SEC. 585. CORRECTION OF MILITARY RECORDS OF MEM-**
2 **BERS OF THE ARMED FORCES WHO EXPERI-**
3 **ENCE RETALIATORY PERSONNEL ACTIONS**
4 **FOR MAKING A REPORT OF SEXUAL ASSAULT**
5 **OR SEXUAL HARASSMENT.**

6 The Secretary of Defense shall conduct a general
7 education campaign to notify members of the Armed
8 Forces regarding the authorities available under chapter
9 79 of title 10, United States Code, for the correction of
10 military records when a member experiences any retalia-
11 tory personnel action for making a report of sexual assault
12 or sexual harassment.

13 **SEC. 586. DEPARTMENT OF DEFENSE SEXUAL ASSAULT**
14 **AND HARASSMENT OVERSIGHT AND ADVI-**
15 **SORY COUNCIL.**

16 (a) IN GENERAL.—Chapter 7 of title 10, United
17 States Code, is amended by adding at the end the fol-
18 lowing new section:

19 **“§ 188. Sexual Assault and Harassment Oversight and**
20 **Advisory Council**

21 “(a) ESTABLISHMENT.—There is a Sexual Assault
22 and Harassment Oversight and Advisory Council (in this
23 section referred to as the ‘Council’).

24 “(b) MEMBERSHIP.—(1) The Council shall be com-
25 prised of individuals appointed by the Secretary of De-
26 fense who are experts and professionals in the fields of

1 sexual assault and harassment, judicial proceedings involv-
2 ing sexual assault or harassment, or treatment for sexual
3 assault or harassment. At a minimum, the Council shall
4 include as members the following:

5 “(A) The Director of the Sexual Assault Pre-
6 vention and Response Office of the Department of
7 Defense.

8 “(B) The Judge Advocates General of the
9 Army, Navy, and Air Force.

10 “(C) A judge advocate from the Army, Navy,
11 Air Force, and Marine Corps with experience in
12 prosecuting sexual assault cases.

13 “(D) A Department of Justice representative
14 with experience in prosecuting sexual assault cases.

15 “(E) An individual who has extensive experi-
16 ence in providing assistance to sexual assault vic-
17 tims.

18 “(F) An individual who has expertise the civil-
19 ian judicial system with respect to sexual assault.

20 “(2) Subject to paragraph (3), members shall be ap-
21 pointed for a term of two years. A member may serve after
22 the end of the member’s term until the member’s suc-
23 cessor takes office.

24 “(3) If a vacancy occurs in the Council, the vacancy
25 shall be filled in the same manner as the original appoint-

1 ment. A member of the Council appointed to fill a vacancy
2 occurring before the end of the term for which the mem-
3 ber's predecessor was appointed shall only serve until the
4 end of such term.

5 “(c) CHAIRMAN; MEETINGS.—(1) The Council shall
6 elect a chair from among its members.

7 “(2) The Council shall meet not less often than once
8 every year.

9 “(3) If a member of the Board fails to attend two
10 successive Board meetings, except in a case in which an
11 absence is approved in advance, for good cause, by the
12 Board chairman, such failure shall be grounds for termi-
13 nation from membership on the Board. A person des-
14 ignated for membership on the Board shall be provided
15 notice of the provisions of this paragraph at the time of
16 such designation.

17 “(d) ADMINISTRATIVE PROVISIONS.—(1) Each mem-
18 ber of the Council who is not an officer or employee of
19 the Federal Government shall be compensated at a rate
20 equal to the daily equivalent of the annual rate of basic
21 pay prescribed for Executive Schedule Level IV under sec-
22 tion 5315 of title 5, for each day (including travel time)
23 during which such member is engaged in the performance
24 of the duties of the Council. Members of the Council who
25 are officers or employees of the United States shall serve

1 without compensation in addition to that received for their
2 services as officers or employees of the United States.

3 “(2) The members of the Council shall be allowed
4 travel expenses, including per diem in lieu of subsistence,
5 at rates authorized for employees of agencies under sub-
6 chapter I of chapter 57 of title 5, while away from their
7 homes or regular places of business in the performance
8 of services for the Council.

9 “(e) RESPONSIBILITIES.—The Council shall be re-
10 sponsible for providing oversight and advice to the Sec-
11 retary of Defense and the Secretaries of the military de-
12 partments on the activities and implementation of policies
13 and programs developed by the Sexual Assault Prevention
14 and Response Office, including any modifications to the
15 Uniform Code of Military Justice, in response to sexual
16 assault and harassment.

17 “(f) ANNUAL REPORT.—Not later than March 31 of
18 each year, the Council shall submit to the Secretary of
19 Defense and the congressional defense committees a re-
20 port that describes the activities of the Council during the
21 preceding year and contains such recommendations as the
22 Council considers appropriate to improve sexual assault
23 prevention and treatment programs and policies of the De-
24 partment of Defense.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of such chapter is amended by adding
 3 at the end the following new item:

“188. Sexual Assault and Harassment Oversight and Advisory Council.”.

4 **Subtitle I—Other Matters**

5 **SEC. 590. INCLUSION OF FREELY ASSOCIATED STATES** 6 **WITHIN SCOPE OF JUNIOR RESERVE OFFI-** 7 **CERS’ TRAINING CORPS PROGRAM.**

8 Section 2031(a) of title 10, United States Code, is
 9 amended by adding at the end the following new para-
 10 graph:

11 “(3) If a secondary educational institution in the
 12 Federated States of Micronesia, the Republic of the Mar-
 13 shall Islands, or the Republic of Palau otherwise meets
 14 the conditions imposed by subsection (b) on the establish-
 15 ment and maintenance of units of the Junior Reserve Offi-
 16 cers’ Training Corps, the Secretary of a military depart-
 17 ment may establish and maintain a unit of the Junior Re-
 18 serve Officers’ Training Corps at the secondary edu-
 19 cational institution even though the secondary educational
 20 institution is not a United States secondary educational
 21 institution.”.

22 **SEC. 591. PRESERVATION OF EDITORIAL INDEPENDENCE** 23 **OF STARS AND STRIPES.**

24 To preserve the actual and perceived editorial and
 25 management independence of the Stars and Stripes news-

1 paper, the Secretary of Defense shall extend the lease for
2 the commercial office space in the District of Columbia
3 currently occupied by the editorial and management oper-
4 ations of the Stars and Stripes newspaper until such time
5 as the Secretary provides space and information tech-
6 nology and other support for such operations in a Govern-
7 ment-owned facility in the National Capital Region geo-
8 graphically remote from facilities of the Defense Media
9 Activity at Fort Meade, Maryland.

10 **SEC. 592. SENSE OF CONGRESS REGARDING DESIGNATION**
11 **OF BUGLE CALL COMMONLY KNOWN AS**
12 **“TAPS” AS NATIONAL SONG OF REMEM-**
13 **BRANCE.**

14 (a) FINDINGS.—Congress makes the following find-
15 ings:

16 (1) The bugle call commonly known as “Taps”
17 is known throughout the United States.

18 (2) In July 1862, following the Seven Days
19 Battles, Union General Daniel Butterfield and bu-
20 gler Oliver Willcox Norton created “Taps” at Berk-
21 ley Plantation, Virginia, as a way to signal the end
22 of daily military activities.

23 (3) “Taps” is now established by the uniformed
24 services as the last call of the day and is sounded
25 at the completion of a military funeral.

1 (4) “Taps” has become the signature, solemn
2 musical farewell for members of the uniformed serv-
3 ices and veterans who have faithfully served the
4 United States during times of war and peace.

5 (5) Over its 150 years of use, “Taps” has been
6 woven into the historical fabric of the United States.

7 (6) When sounded, “Taps” summons emotions
8 of loss, pride, honor, and respect and encourages
9 Americans to remember patriots who served the
10 United States with honor and valor.

11 (7) The 150th anniversary of the writing of
12 “Taps” will be observed with events culminating in
13 June 2012 with a rededication of the Taps Monu-
14 ment at Berkley Plantation, Virginia.

15 (b) SENSE OF CONGRESS.—It is the sense of Con-
16 gress that the bugle call commonly known as “Taps”
17 should be designated as the National Song of Remem-
18 brance.

19 **SEC. 593. RECOMMENDED CONDUCT DURING SOUNDING OF**
20 **BUGLE CALL COMMONLY KNOWN AS “TAPS”.**

21 (a) CONDUCT DURING SOUNDING OF “TAPS”.—
22 Chapter 3 of title 36, United States Code, is amended by
23 adding at the end the following new section:

1 **“§ 306. Conduct during sounding of ‘Taps’**

2 “(a) DEFINITION.—In this section, the term ‘Taps’
3 refers to the bugle call consisting of 24 notes normally
4 sounded on a bugle or trumpet without accompaniment
5 or embellishment as the last call of the day on a military
6 base, at the completion of a military funeral, or on other
7 occasions as the solemn musical farewell to members of
8 the uniform services and veterans.

9 “(b) CONDUCT DURING SOUNDING.—

10 “(1) IN GENERAL.—During a performance of
11 Taps—

12 “(A) all present, except persons in uni-
13 form, should stand at attention with the right
14 hand over the heart;

15 “(B) men not in uniform should remove
16 their headdress with their right hand and hold
17 the headdress at the left shoulder, the hand
18 being over the heart; and

19 “(C) persons in uniform should stand at
20 attention and give the military salute at the
21 first note of Taps and maintain that position
22 until the last note.

23 “(2) EXCEPTION.—Paragraph (1) shall not
24 apply when Taps is sounded as the final bugle call
25 of the day at a military base.

1 “(c) DEFINITION OF MILITARY BASE.—In this sec-
 2 tion, the term ‘military base’ means a base, camp, post,
 3 station, yard, center, homeport facility for any ship, or
 4 other activity under the jurisdiction of the Department of
 5 Defense, including any leased facility, which is located
 6 within any of the several States, the District of Columbia,
 7 the Commonwealth of Puerto Rico, American Samoa, the
 8 Virgin Islands, the Commonwealth of the Northern Mar-
 9 iana Islands, or Guam.”.

10 (b) CONFORMING AND CLERICAL AMENDMENTS.—

11 (1) CHAPTER HEADING.—The heading of chap-
 12 ter 3 of title 36, United States Code, is amended to
 13 read as follows:

14 **“CHAPTER 3—NATIONAL ANTHEM, MOTTO,**
 15 **AND OTHER NATIONAL DESIGNATIONS”.**

16 (2) TABLE OF CHAPTERS.—The item relating
 17 to chapter 3 in the table of chapters for such title
 18 is amended to read as follows:

“3. National Anthem, Motto, and Other National Designations 301”.

19 (3) TABLE OF SECTIONS.—The table of sections
 20 at the beginning of such chapter is amended by add-
 21 ing at the end the following new item:

“306. Conduct during sounding of ‘Taps’.”.

1 **SEC. 594. INSPECTION OF MILITARY CEMETERIES UNDER**
2 **THE JURISDICTION OF DEPARTMENT OF DE-**
3 **FENSE.**

4 (a) DOD INSPECTOR GENERAL INSPECTION OF AR-
5 LINGTON NATIONAL CEMETERY AND UNITED STATES
6 SOLDIERS' AND AIRMEN'S HOME NATIONAL CEME-
7 TERY.—Section 1(d) of Public Law 111–339; 124 Stat.
8 3592) is amended—

9 (1) in paragraph (1), by striking “The Sec-
10 retary” in the first sentence and inserting “Subject
11 to paragraph (2), the Secretary”; and

12 (2) in paragraph (2), by adding at the end the
13 following new sentence: “However, in the case of the
14 report required to be submitted during 2013, the as-
15 sessment described in paragraph (1) shall be con-
16 ducted, and the report shall be prepared and sub-
17 mitted, by the Inspector General of the Department
18 of Defense instead of the Secretary of the Army.”.

19 (b) TIME FOR SUBMISSION OF REPORT AND PLAN
20 OF ACTION REGARDING INSPECTION OF CEMETERIES AT
21 MILITARY INSTALLATIONS.—Section 592(d)(2) of the Na-
22 tional Defense Authorization Act for Fiscal Year 2012
23 (Public Law 112–81; 125 Stat. 1443) is amended—

24 (1) by striking “December 31, 2012” and in-
25 serting “June 29, 2013”; and

1 (2) by striking “April 1, 2013” and inserting
2 “October 1, 2013”.

3 **SEC. 595. PILOT PROGRAM TO PROVIDE TRANSITIONAL AS-**
4 **SISTANCE TO MEMBERS OF THE ARMED**
5 **FORCES WITH A FOCUS ON SCIENCE, TECH-**
6 **NOLOGY, ENGINEERING, AND MATHEMATICS.**

7 (a) PROGRAM AUTHORITY.—The Secretary of De-
8 fense may conduct one or more pilot programs to provide
9 transitional assistance for members of the Armed Forces
10 leaving active duty that focuses on assisting the members
11 to transition into the fields of science, technology, engi-
12 neering, and mathematics to address the shortage of ex-
13 pertise within the Department of Defense in those fields.

14 (b) COOPERATION WITH EDUCATIONAL INSTITU-
15 TIONS.—The Secretary of Defense may enter into an
16 agreement with an institution of higher education to pro-
17 vide for the management and execution of a pilot program
18 under this section. The institution of higher education
19 must agree to allow the translation of military experience
20 and training into course credit and provide for the transfer
21 of previously received credit through local community col-
22 leges and other accredited institutions of higher education.

23 (c) DURATION.—Any pilot program established under
24 the authority of this section may not operate for more
25 than three academic years.

1 (d) REPORTING REQUIREMENT.—At the conclusion
2 of a pilot program under this section, the Secretary of De-
3 fense shall submit to the congressional defense committee
4 a report on the results of the pilot program, including the
5 cost incurred to conduct the program, the number of par-
6 ticipants of the program, and the outcomes for the partici-
7 pants of the program.

8 **SEC. 596. SENSE OF CONGRESS REGARDING THE RECOV-**
9 **ERY OF THE REMAINS OF CERTAIN MEMBERS**
10 **OF THE ARMED FORCES KILLED IN THUR-**
11 **STON ISLAND, ANTARCTICA.**

12 (a) FINDINGS.—Congress makes the following find-
13 ings:

14 (1) Commencing August 26, 1946, though late
15 February 1947 the United States Navy Antarctic
16 Developments Program Task Force 68, codenamed
17 “Operation Highjump” initiated and undertook the
18 largest ever-to-this-date exploration of the Antarctic
19 continent.

20 (2) The primary mission of the Task Force 68
21 organized by Rear Admiral Richard E. Byrd Jr.
22 USN, (Ret) and led by Rear Admiral Richard H.
23 Cruzen, USN, was to do the following:

24 (A) Establish the Antarctic research base
25 Little America IV.

1 (B) In the defense of the United States of
2 America from possible hostile aggression from
3 abroad - to train personnel test equipment, de-
4 velop techniques for establishing, maintaining
5 and utilizing air bases on ice, with applicability
6 comparable to interior Greenland, where condi-
7 tions are similar to those of the Antarctic.

8 (C) Map and photograph a full two-thirds
9 of the Antarctic Continent during the classified,
10 hazardous duty/volunteer-only operation involv-
11 ing 4700 sailors, 23 aircraft and 13 ships in-
12 cluding the first submarine the U.S.S. Sennet,
13 and the aircraft carrier the U.S.S. Philippine
14 Sea, brought to the edge of the ice pack to
15 launch (6) Navy ski-equipped, rocket-assisted
16 R4Ds.

17 (D) Consolidate and extend United States
18 sovereignty over the largest practicable area of
19 the Antarctic continent.

20 (E) Determine the feasibility of estab-
21 lishing, maintaining and utilizing bases in the
22 Antarctic and investigating possible base sites.

23 (3) While on a hazardous duty/all volunteer
24 mission vital to the interests of National Security
25 and while over the eastern Antarctica coastline

1 known as the Phantom Coast, the PBM-5 Martin
2 Mariner “Flying Boat” “George 1” entered a
3 whiteout over Thurston Island. As the pilot at-
4 tempted to climb, the aircraft grazed the glacier’s
5 ridgeline and exploded within 5 seconds instantly
6 killing Ensign Maxwell Lopez, Navigator and Wen-
7 dell “Bud” Hendersin, Aviation Machinists Mate 1st
8 Class while Frederick Williams, Aviation Radioman
9 1st Class died several hours later. Six other crewmen
10 survived including the Captain of the “George 1’s”
11 seaplane tender U.S.S. Pine Island.

12 (4) The bodies of the dead were protected from
13 the desecration of Antarctic scavenging birds
14 (Skuas) by the surviving crew wrapping the bodies
15 and temporarily burying the men under the star-
16 board wing engine nacelle.

17 (5) Rescue requirements of the “George-1” sur-
18 vivors forced the abandonment of their crewmates’
19 bodies.

20 (6) Conditions prior to the departure of Task
21 Force 68 precluded a return to the area to the re-
22 cover the bodies.

23 (7) For nearly 60 years Navy promised the
24 families that they would recover the men: “If the
25 safety, logistical, and operational prerequisites allow

1 a mission in the future, every effort will be made to
2 bring our sailors home.”.

3 (8) The Joint POW/MIA Accounting Command
4 twice offered to recover the bodies of this crew for
5 Navy.

6 (9) A 2004 NASA ground penetrating radar
7 overflight commissioned by Navy relocated the crash
8 site three miles from its crash position.

9 (10) The Joint POW/MIA Accounting Com-
10 mand offered to underwrite the cost of an aerial
11 ground penetrating radar (GPR) survey of the crash
12 site area by NASA.

13 (11) The Joint POW/MIA Accounting Com-
14 mand studied the recovery with the recognized recov-
15 ery authorities and national scientists and deter-
16 mined that the recovery is only “medium risk”.

17 (12) National Science Foundation and sci-
18 entists from the University of Texas, Austin, regu-
19 larly visit the island.

20 (13) The crash site is classified as a “perishable
21 site”, meaning a glacier that will calve into the
22 Bellingshausen Sea.

23 (14) The National Science Foundation main-
24 tains a presence in area - of the Pine Island Glacier.

1 (15) The National Science Foundation Director
2 of Polar Operations will assist and provide assets for
3 the recovery upon the request of Congress.

4 (16) The United States Coast Guard is pres-
5 ently pursuing the recovery of 3 WWII air crewmen
6 from similar circumstances in Greenland.

7 (17) On Memorial Day, May 25, 2009, Presi-
8 dent Barack Obama declared: “* * * the support of
9 our veterans is a sacred trust * * * we need to serve
10 them as they have served us * * * that means bring-
11 ing home all our POWs and MIAs * * *”.

12 (18) The policies and laws of the United States
13 of America require that our armed service personnel
14 be repatriated.

15 (19) The fullest possible accounting of United
16 States fallen military personnel means repatriating
17 living American POWs and MIAs, accounting for,
18 identifying, and recovering the remains of military
19 personnel who were killed in the line of duty, or pro-
20 viding convincing evidence as to why such a repatri-
21 ation, accounting, identification, or recovery is not
22 possible.

23 (20) It is the responsibility of the Federal Gov-
24 ernment to return to the United States for proper

1 burial and respect all members of the Armed Forces
2 killed in the line of duty who lie in lost graves.

3 (b) SENSE OF CONGRESS.—In light of the findings
4 under subsection (a), Congress—

5 (1) reaffirms its support for the recovery and
6 return to the United States, the remains and bodies
7 of all members of the Armed Forces killed in the
8 line of duty, and for the efforts by the Joint POW-
9 MIA Accounting Command to recover the remains of
10 members of the Armed Forces from all wars, con-
11 flicts and missions;

12 (2) recognizes the courage and sacrifice of all
13 members of the Armed Forces who participated in
14 Operation Highjump and all missions vital to the
15 national security of the United States of America;

16 (3) acknowledges the dedicated research and ef-
17 forts by the US Geological Survey, the National
18 Science Foundation, the Joint POW/MIA Account-
19 ing Command, the Fallen American Veterans Foun-
20 dation and all persons and organizations to identify,
21 locate, and advocate for, from their temporary Ant-
22 arctic grave, the recovery of the well-preserved fro-
23 zen bodies of Ensign Maxwell Lopez, Naval Aviator,
24 Frederick Williams, Aviation Machinist's Mate 1ST

1 Class, Wendell Hendersin, Aviation Radioman 1ST
2 Class of the “George 1” explosion and crash; and

3 (4) encourages the Department of Defense to
4 review the facts, research and to pursue new efforts
5 to undertake all feasible efforts to recover, identify,
6 and return the well-preserved frozen bodies of the
7 “George 1” crew from Antarctica’s Thurston Island.

8 **SEC. 597. REPORT ON EFFECTS OF MULTIPLE DEPLOY-**
9 **MENTS.**

10 Not later than 180 days after the date of enactment
11 of this Act, the Secretary of Defense shall submit to Con-
12 gress a report on the effects of multiple deployments on
13 the well-being of military personnel and any recommended
14 changes to health evaluations prior to redeployments.

15 **SEC. 598. ESTABLISHMENT OF CHAIN OF COMMAND FOR**
16 **ARMY NATIONAL MILITARY CEMETERIES.**

17 (a) **MILITARY CHAIN OF COMMAND REQUIRED.**—The
18 Secretary of the Army shall establish a chain of command
19 for the Army National Military Cemeteries, to include a
20 military commander of the Army National Military Ceme-
21 teries to replace the current civilian director upon the ter-
22 mination of the tenure of the director.

23 (b) **CONFORMING AMENDMENT.**—Section 4724(a)(1)
24 of title 10, United States Code, is amended by striking

1 “who shall meet” and inserting “who is a commissioned
2 officer and meets”.

3 **SEC. 599. MILITARY SALUTE DURING RECITATION OF**
4 **PLEDGE OF ALLEGIANCE BY MEMBERS OF**
5 **THE ARMED FORCES NOT IN UNIFORM AND**
6 **BY VETERANS.**

7 Section 4 of title 4, United States Code, is amended
8 by adding at the end the following new sentence: “Mem-
9 bers of the Armed Forces not in uniform and veterans may
10 render the military salute in the manner provided for per-
11 sons in uniform.”.

12 **TITLE VI—COMPENSATION AND**
13 **OTHER PERSONNEL BENEFITS**
14 **Subtitle A—Pay and Allowances**

15 **SEC. 601. FISCAL YEAR 2013 INCREASE IN MILITARY BASIC**
16 **PAY.**

17 (a) **WAIVER OF SECTION 1009 ADJUSTMENT.**—The
18 adjustment to become effective during fiscal year 2013 re-
19 quired by section 1009 of title 37, United States Code,
20 in the rates of monthly basic pay authorized members of
21 the uniformed services shall not be made.

22 (b) **INCREASE IN BASIC PAY.**—Effective on January
23 1, 2013, the rates of monthly basic pay for members of
24 the uniformed services are increased by 1.7 percent.

1 **SEC. 602. BASIC ALLOWANCE FOR HOUSING FOR TWO-MEM-**
2 **BER COUPLES WHEN ONE MEMBER IS ON SEA**
3 **DUTY.**

4 (a) IN GENERAL.—Subparagraph (C) of section
5 403(f)(2) of title 37, United States Code, is amended to
6 read as follows:

7 “(C) Notwithstanding section 421 of this title, a
8 member of a uniformed service in a pay grade below pay
9 grade E–6 who is assigned to sea duty and is married
10 to another member of a uniformed service is entitled to
11 a basic allowance for housing subject to the limitations
12 of subsection (e).”.

13 (b) EFFECTIVE DATE.—The amendment made by
14 subsection (a) shall take effect on January 1, 2013.

15 **SEC. 603. NO REDUCTION IN BASIC ALLOWANCE FOR HOUS-**
16 **ING FOR ARMY NATIONAL GUARD AND AIR**
17 **NATIONAL GUARD MEMBERS WHO TRANSI-**
18 **TION BETWEEN ACTIVE DUTY AND FULL-**
19 **TIME NATIONAL GUARD DUTY WITHOUT A**
20 **BREAK IN ACTIVE SERVICE.**

21 Section 403(g) of title 37, United States Code, is
22 amended by adding at the end the following new para-
23 graph:

24 “(6)(A) The rate of basic allowance for housing to
25 be paid to a member of the Army National Guard of the
26 United States or the Air National Guard of the United

1 States shall not be reduced upon the transition of the
2 member from active duty to full-time National Guard
3 duty, or from full-time National Guard duty to active
4 duty, when the transition occurs without a break in active
5 service.

6 “(B) For the purposes of this paragraph, a break in
7 active service occurs when one or more calendar days be-
8 tween active service periods do not qualify as active serv-
9 ice.”.

10 **SEC. 604. MODIFICATION OF PROGRAM GUIDANCE RELAT-**
11 **ING TO THE AWARD OF POST-DEPLOYMENT/**
12 **MOBILIZATION RESPITE ABSENCE ADMINIS-**
13 **TRATIVE ABSENCE DAYS TO MEMBERS OF**
14 **THE RESERVE COMPONENTS UNDER DOD IN-**
15 **STRUCTION 1327.06.**

16 Effective as of October 1, 2011, the changes made
17 by the Secretary of Defense to the Program Guidance re-
18 lating to the award of Post-Deployment/Mobilization Res-
19 pite Absence administrative absence days to members of
20 the reserve components under DOD Instruction 1327.06
21 shall not apply to a member of a reserve component whose
22 qualified mobilization (as described in such program guid-
23 ance) commenced before October 1, 2011, and continued
24 on or after that date until the date the mobilization is
25 terminated.

1 **SEC. 605. PAYMENT OF BENEFIT FOR NONPARTICIPATION**
2 **OF ELIGIBLE MEMBERS IN POST-DEPLOY-**
3 **MENT/MOBILIZATION RESPITE ABSENCE**
4 **PROGRAM DUE TO GOVERNMENT ERROR.**

5 (a) PAYMENT OF BENEFIT.—

6 (1) IN GENERAL.—Subject to subsection (e),
7 the Secretary concerned shall, upon application
8 therefor, make a payment to each individual de-
9 scribed in paragraph (2) of \$200 for each day of
10 nonparticipation of such individual in the Post-De-
11 ployment/Mobilization Respite Absence program as
12 described in that paragraph.

13 (2) COVERED INDIVIDUALS.—An individual de-
14 scribed in this paragraph is an individual who—

15 (A) was eligible for participation as a
16 member of the Armed Forces in the Post-De-
17 ployment/Mobilization Respite Absence pro-
18 gram; but

19 (B) as determined by the Secretary con-
20 cerned pursuant to an application for the cor-
21 rection of the military records of such indi-
22 vidual pursuant to section 1552 of title 10,
23 United States Code, did not participate in one
24 or more days in the program for which the indi-
25 vidual was so eligible due to Government error.

26 (b) DECEASED INDIVIDUALS.—

1 (1) APPLICATIONS.—If an individual otherwise
2 covered by subsection (a) is deceased, the application
3 required by that subsection shall be made by the in-
4 dividual’s legal representative.

5 (2) PAYMENT.—If an individual to whom pay-
6 ment would be made under subsection (a) is de-
7 ceased at time of payment, payment shall be made
8 in the manner specified in section 1552(c)(2) of title
9 10, United States Code.

10 (c) PAYMENT IN LIEU OF ADMINISTRATIVE AB-
11 SENCE.—Payment under subsection (a) with respect to a
12 day described in that subsection shall be in lieu of any
13 entitlement of the individual concerned to a day of admin-
14 istrative absence for such day.

15 (d) CONSTRUCTION.—

16 (1) CONSTRUCTION WITH OTHER PAY.—Any
17 payment with respect to an individual under sub-
18 section (a) is in addition to any other pay provided
19 by law.

20 (2) CONSTRUCTION OF AUTHORITY.—It is the
21 sense of Congress that—

22 (A) the sole purpose of the authority in
23 this section is to remedy administrative errors;
24 and

1 (B) the authority in this section is not in-
2 tended to establish any entitlement in connec-
3 tion with the Post-Deployment/Mobilization
4 Respite Absence program.

5 (e) PAYMENTS SUBJECT TO AVAILABILITY OF AP-
6 PROPRIATIONS.—No cash payment may be made under
7 subsection (a) unless the funds to be used to make the
8 payments are available pursuant to an appropriations Act
9 enacted after the date of enactment of this Act.

10 (f) FUNDING OFFSET.—The Secretary of Defense
11 shall transfer \$2,000,000 from the unobligated balances
12 of the Pentagon Reservation Maintenance Revolving Fund
13 established under section 2674(e) of title 10, United
14 States Code, to the Miscellaneous Receipts Fund of the
15 United States Treasury.

16 (g) DEFINITIONS.—In this section, the terms “Post-
17 Deployment/Mobilization Respite Absence program” and
18 “Secretary concerned” have the meaning given such terms
19 in section 604(f) of the National Defense Authorization
20 Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
21 2350).

1 **Subtitle B—Bonuses and Special**
2 **and Incentive Pays**

3 **SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**
4 **SPECIAL PAY AUTHORITIES FOR RESERVE**
5 **FORCES.**

6 The following sections of title 37, United States
7 Code, are amended by striking “December 31, 2012” and
8 inserting “December 31, 2013”:

9 (1) Section 308b(g), relating to Selected Re-
10 serve reenlistment bonus.

11 (2) Section 308c(i), relating to Selected Reserve
12 affiliation or enlistment bonus.

13 (3) Section 308d(c), relating to special pay for
14 enlisted members assigned to certain high-priority
15 units.

16 (4) Section 308g(f)(2), relating to Ready Re-
17 serve enlistment bonus for persons without prior
18 service.

19 (5) Section 308h(e), relating to Ready Reserve
20 enlistment and reenlistment bonus for persons with
21 prior service.

22 (6) Section 308i(f), relating to Selected Reserve
23 enlistment and reenlistment bonus for persons with
24 prior service.

1 (7) Section 408a(e), relating to reimbursement
2 of travel expenses for inactive-duty training outside
3 of normal commuting distance.

4 (8) Section 910(g), relating to income replace-
5 ment payments for reserve component members ex-
6 periencing extended and frequent mobilization for
7 active duty service.

8 **SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**
9 **SPECIAL PAY AUTHORITIES FOR HEALTH**
10 **CARE PROFESSIONALS.**

11 (a) TITLE 10 AUTHORITIES.—The following sections
12 of title 10, United States Code, are amended by striking
13 “December 31, 2012” and inserting “December 31,
14 2013”:

15 (1) Section 2130a(a)(1), relating to nurse offi-
16 cer candidate accession program.

17 (2) Section 16302(d), relating to repayment of
18 education loans for certain health professionals who
19 serve in the Selected Reserve.

20 (b) TITLE 37 AUTHORITIES.—The following sections
21 of title 37, United States Code, are amended by striking
22 “December 31, 2012” and inserting “December 31,
23 2013”:

24 (1) Section 302e–1(f), relating to accession and
25 retention bonuses for psychologists.

1 (2) Section 302d(a)(1), relating to accession
2 bonus for registered nurses.

3 (3) Section 302e(a)(1), relating to incentive
4 special pay for nurse anesthetists.

5 (4) Section 302g(e), relating to special pay for
6 Selected Reserve health professionals in critically
7 short wartime specialties.

8 (5) Section 302h(a)(1), relating to accession
9 bonus for dental officers.

10 (6) Section 302j(a), relating to accession bonus
11 for pharmacy officers.

12 (7) Section 302k(f), relating to accession bonus
13 for medical officers in critically short wartime spe-
14 cialties.

15 (8) Section 302l(g), relating to accession bonus
16 for dental specialist officers in critically short war-
17 time specialties.

18 **SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND**
19 **BONUS AUTHORITIES FOR NUCLEAR OFFI-**
20 **CERS.**

21 The following sections of title 37, United States
22 Code, are amended by striking “December 31, 2012” and
23 inserting “December 31, 2013”:

1 (1) Section 312(f), relating to special pay for
2 nuclear-qualified officers extending period of active
3 service.

4 (2) Section 312b(c), relating to nuclear career
5 accession bonus.

6 (3) Section 312c(d), relating to nuclear career
7 annual incentive bonus.

8 **SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
9 **ING TO TITLE 37 CONSOLIDATED SPECIAL**
10 **PAY, INCENTIVE PAY, AND BONUS AUTHORI-**
11 **TIES.**

12 The following sections of title 37, United States
13 Code, are amended by striking “December 31, 2012” and
14 inserting “December 31, 2013”:

15 (1) Section 331(h), relating to general bonus
16 authority for enlisted members.

17 (2) Section 332(g), relating to general bonus
18 authority for officers.

19 (3) Section 333(i), relating to special bonus and
20 incentive pay authorities for nuclear officers.

21 (4) Section 334(i), relating to special aviation
22 incentive pay and bonus authorities for officers.

23 (5) Section 335(k), relating to special bonus
24 and incentive pay authorities for officers in health
25 professions.

1 (6) Section 351(h), relating to hazardous duty
2 pay.

3 (7) Section 352(g), relating to assignment pay
4 or special duty pay.

5 (8) Section 353(i), relating to skill incentive
6 pay or proficiency bonus.

7 (9) Section 355(h), relating to retention incen-
8 tives for members qualified in critical military skills
9 or assigned to high priority units.

10 **SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
11 **ING TO PAYMENT OF OTHER TITLE 37 BO-**
12 **NUSES AND SPECIAL PAYS.**

13 The following sections of title 37, United States
14 Code, are amended by striking “December 31, 2012” and
15 inserting “December 31, 2013”:

16 (1) Section 301b(a), relating to aviation officer
17 retention bonus.

18 (2) Section 307a(g), relating to assignment in-
19 centive pay.

20 (3) Section 308(g), relating to reenlistment
21 bonus for active members.

22 (4) Section 309(e), relating to enlistment
23 bonus.

24 (5) Section 324(g), relating to accession bonus
25 for new officers in critical skills.

1 (6) Section 326(g), relating to incentive bonus
2 for conversion to military occupational specialty to
3 ease personnel shortage.

4 (7) Section 327(h), relating to incentive bonus
5 for transfer between armed forces.

6 (8) Section 330(f), relating to accession bonus
7 for officer candidates.

8 **SEC. 616. INCREASE IN MAXIMUM AMOUNT OF OFFICER AF-**
9 **FILIATION BONUS FOR OFFICERS IN THE SE-**
10 **LECTED RESERVE.**

11 Section 308j(d) of title 37, United States Code, is
12 amended by striking “\$10,000” and inserting “\$20,000”.

13 **SEC. 617. INCREASE IN MAXIMUM AMOUNT OF INCENTIVE**
14 **BONUS FOR RESERVE COMPONENT MEM-**
15 **BERS WHO CONVERT MILITARY OCCUPA-**
16 **TIONAL SPECIALTY TO EASE PERSONNEL**
17 **SHORTAGES.**

18 Section 326(c)(1) of title 37, United States Code, is
19 amended by striking “\$4,000, in the case of a member
20 of a regular component of the armed forces, and \$2,000,
21 in the case of a member of a reserve component of the
22 armed forces.” and inserting “\$4,000.”.

1 **Subtitle C—Travel and Transpor-**
2 **tation Allowances Generally**

3 **SEC. 621. TRAVEL AND TRANSPORTATION ALLOWANCES**
4 **FOR NON-MEDICAL ATTENDANTS FOR MEM-**
5 **BERS RECEIVING CARE IN A RESIDENTIAL**
6 **TREATMENT PROGRAM.**

7 (a) AUTHORIZED TRAVEL AND TRANSPORTATION.—
8 Subsection (a) of section 481k of title 37, United States
9 Code, is amended—

10 (1) by inserting “(1)” before “Under uniform
11 regulations”; and

12 (2) by adding at the end the following new
13 paragraph:

14 “(2) Travel and transportation described in sub-
15 section (d) also may be provided for a qualified non-med-
16 ical attendant for a member of the uniformed services who
17 is receiving care in a residential treatment program if the
18 attending physician or other mental health professional
19 and the commander or head of the military medical facility
20 exercising control over the member determine that the
21 presence and participation of such an attendant is essen-
22 tial to the treatment of the member.”.

23 (b) CONFORMING AMENDMENTS.—Such section is
24 further amended—

25 (1) in subsection (b)—

1 (A) by striking “covered member” in the
2 matter preceding paragraph (1) and inserting
3 “member”; and

4 (B) in paragraph (2), by striking “surgeon
5 and the commander or head of the military
6 medical facility” and inserting “surgeon (or
7 mental health professional in the case of a
8 member described in subsection (a)(2)) and the
9 commander or head of the military medical fa-
10 cility exercising control over the member”; and
11 (2) in subsection (c), by striking “this section”
12 in the matter preceding paragraph (1) and inserting
13 “subsection (a)(1)”.

14 **Subtitle D—Benefits and Services**
15 **for Members Being Separated or**
16 **Recently Separated**

17 **SEC. 631. EXTENSION OF AUTHORITY TO PROVIDE TWO**
18 **YEARS OF COMMISSARY AND EXCHANGE**
19 **BENEFITS AFTER SEPARATION.**

20 (a) EXTENSION OF AUTHORITY.—Section 1146 of
21 title 10, United States Code, is amended—

22 (1) in subsection (a), by striking “2012” and
23 inserting “2018”; and

24 (2) in subsection (b), by striking “2012” and
25 inserting “2018”.

1 (b) CORRECTION OF REFERENCE TO ADMINISTERING
2 SECRETARY.—Such section is further amended—

3 (1) in subsection (a), by striking “The Sec-
4 retary of Transportation” and inserting “The Sec-
5 retary concerned”; and

6 (2) in subsection (b), by striking “The Sec-
7 retary of Homeland Security” and inserting “The
8 Secretary concerned”.

9 **SEC. 632. TRANSITIONAL USE OF MILITARY FAMILY HOUS-**
10 **ING.**

11 (a) RESUMPTION OF AUTHORITY TO AUTHORIZE
12 TRANSITIONAL USE.—Subsection (a) of section 1147 of
13 title 10, United States Code, is amended—

14 (1) in paragraph (1), by striking “October 1,
15 1990, and ending on December 31, 2001” and in-
16 serting “October 1, 2012, and ending on December
17 31, 2018”; and

18 (2) in paragraph (2), by striking “October 1,
19 1994, and ending on December 31, 2001” and in-
20 serting “October 1, 2012, and ending on December
21 31, 2018”.

22 (b) PROHIBITION ON PROVISION OF TRANSITIONAL
23 BASIC ALLOWANCE FOR HOUSING.—Such section is fur-
24 ther amended by adding at the end the following new sub-
25 section:

1 “(c) NO TRANSITIONAL BASIC ALLOWANCE FOR
2 HOUSING.—Nothing in this section shall be construed to
3 authorize the Secretary concerned to continue to provide
4 for any period of time to an individual who is involuntary
5 separated all or any portion of a basic allowance for hous-
6 ing to which the individual was entitled under section 403
7 of title 37 immediately before being involuntarily sepa-
8 rated, even in cases in which the individual or members
9 of the individual’s household continue to reside after the
10 separation in a housing unit acquired or constructed under
11 the alternative authority of subchapter IV of chapter 169
12 of this title that is not owned or leased by the United
13 States.”.

14 (c) CORRECTION OF REFERENCE TO ADMINISTERING
15 SECRETARY.—Subsection (a)(2) of such section is further
16 amended by striking “The Secretary of Transportation”
17 and inserting “The Secretary concerned”.

1 **Subtitle E—Commissary and Non-**
2 **appropriated Fund Instrumen-**
3 **tality Benefits and Operations**

4 **SEC. 641. CHARITABLE ORGANIZATIONS ELIGIBLE FOR DO-**
5 **NATIONS OF UNUSABLE COMMISSARY STORE**
6 **FOOD AND OTHER FOOD PREPARED FOR THE**
7 **ARMED FORCES.**

8 Subparagraph (A) of section 2485(f) of title 10,
9 United States Code, is amended to read as follows:

10 “(A) A food bank, food pantry, or soup kitchen
11 (as those terms are defined in section 201A of the
12 Emergency Food Assistance Act of 1983 (7 U.S.C.
13 7501)).”.

14 **SEC. 642. REPEAL OF CERTAIN RECORDKEEPING AND RE-**
15 **PORTING REQUIREMENTS APPLICABLE TO**
16 **COMMISSARY AND EXCHANGE STORES OVER-**
17 **SEAS.**

18 (a) REPEAL.—Section 2489 of title 10, United States
19 Code, is amended by striking subsections (b) and (c).

20 (b) CONFORMING AMENDMENTS.—Such section is
21 further amended—

22 (1) by striking “GENERAL AUTHORITY.—(1)”
23 and inserting “AUTHORITY TO ESTABLISH RESTRIC-
24 TIONS.—”;

1 (2) by striking “(2)” and inserting “(b) LIM-
2 TATIONS ON USE OF AUTHORITY.—”; and

3 (3) by redesignating subparagraphs (A) and
4 (B) as paragraphs (1) and (2), respectively.

5 **SEC. 643. TREATMENT OF FISHER HOUSE FOR THE FAMI-**
6 **LIES OF THE FALLEN AND MEDITATION PA-**
7 **VILION AT DOVER AIR FORCE BASE, DELA-**
8 **WARE, AS A FISHER HOUSE.**

9 (a) FISHER HOUSES AND AUTHORIZED FISHER
10 HOUSE RESIDENTS.—Subsection (a) of section 2493 of
11 title 10, United States Code, is amended—

12 (1) in paragraph (1)(B), by striking “by pa-
13 tients” and all that follows through “such patients;”
14 and inserting “by authorized Fisher House resi-
15 dents;”;

16 (2) by redesignating paragraph (2) as para-
17 graph (3);

18 (3) by inserting after paragraph (1) the fol-
19 lowing new paragraph:

20 “(2) The term ‘Fisher House’ includes the
21 Fisher House for the Families of the Fallen and
22 Meditation Pavilion at Dover Air Force Base, Dela-
23 ware, so long as such facility is available for residen-
24 tial use on a temporary basis by authorized Fisher
25 House residents.”; and

1 (4) by adding at the end the following new
2 paragraph:

3 “(4) The term ‘authorized Fisher House resi-
4 dents’ means the following:

5 “(A) With respect to a Fisher House de-
6 scribed in paragraph (1) that is located in prox-
7 imity to a health care facility of the Army, the
8 Air Force, or the Navy, the following persons:

9 “(i) Patients of that health care facil-
10 ity.

11 “(ii) Members of the families of such
12 patients.

13 “(iii) Other persons providing the
14 equivalent of familial support for such pa-
15 tients.

16 “(B) With respect to the Fisher House de-
17 scribed in paragraph (2), the following persons:

18 “(i) The primary next of kin of a
19 member of the armed forces who dies while
20 located or serving overseas.

21 “(ii) Other family members of the de-
22 ceased member who are eligible for trans-
23 portation under section 411f(e) of title 37.

24 “(iii) An escort of a family member
25 described in clause (i) or (ii).”.

1 (b) CONFORMING AMENDMENTS.—Subsections (b),
2 (e), (f), and (g) of such section are amended by striking
3 “health care” each place it appears.

4 (c) REPEAL OF FISCAL YEAR 2012 FREESTANDING
5 DESIGNATION.—Section 643 of the National Defense Au-
6 thorization Act for Fiscal Year 2012 (Public Law 112–
7 81; 125 Stat. 1466) is repealed.

8 **SEC. 644. PURCHASE OF SUSTAINABLE PRODUCTS, LOCAL**
9 **FOOD PRODUCTS, AND RECYCLABLE MATE-**
10 **RIALS FOR RESALE IN COMMISSARY AND EX-**
11 **CHANGE STORE SYSTEMS.**

12 (a) IMPROVED PURCHASING EFFORTS.—Section
13 2481(c) of title 10, United States Code, is amended by
14 adding at the end the following new paragraph:

15 “(3)(A) The governing body established pursuant to
16 paragraph (2) shall endeavor to increase the purchase for
17 resale at commissary stores and exchange stores of sus-
18 tainable products, local food products, and recyclable ma-
19 terials.

20 “(B) As part of its efforts under subparagraph (A),
21 the governing body shall develop—

22 “(i) guidelines for the identification of fresh
23 meat, poultry, seafood, and fish, fresh produce, and
24 other products raised or produced through sustain-
25 able methods; and

1 (3) by inserting “or 8416(a)” after “8339(j)”;

2 and

3 (4) by inserting “or 8442(a)” after “8341(b)”.

4 (b) CONFORMING AMENDMENTS.—Section 1450(d)
5 of such title is amended—

6 (1) by inserting “or chapter 84 of such title”
7 after “chapter 83 of title 5”;

8 (2) by inserting “or 8416(a)” after “8339(j)”;

9 and

10 (3) by inserting “or 8442(a)” after “8341(b)”.

11 (c) APPLICATION OF AMENDMENTS.—The amend-
12 ments made by this section shall apply with respect to any
13 participant electing a annuity for survivors under chapter
14 84 of title 5, United States Code, on or after the date
15 of the enactment of this Act.

16 **Subtitle G—Other Matters**

17 **SEC. 661. CONSISTENT DEFINITION OF DEPENDENT FOR** 18 **PURPOSES OF APPLYING LIMITATIONS ON** 19 **TERMS OF CONSUMER CREDIT EXTENDED TO** 20 **CERTAIN MEMBERS OF THE ARMED FORCES** 21 **AND THEIR DEPENDENTS.**

22 Paragraph (2) of section 987(i) of title 10, United
23 States Code, is amended to read as follows:

24 “(2) DEPENDENT.—The term ‘dependent’, with
25 respect to a covered member, means a person de-

1 scribed in subparagraph (A), (D), (E), or (I) of sec-
2 tion 1072(2) of this title.”.

3 **SEC. 662. LIMITATION ON REDUCTION IN NUMBER OF MILI-**
4 **TARY AND CIVILIAN PERSONNEL ASSIGNED**
5 **TO DUTY WITH SERVICE REVIEW AGENCIES.**

6 Section 1559(a) of title 10, United States Code, is
7 amended by striking “December 31, 2013” and inserting
8 “December 31, 2016”.

9 **SEC. 663. EQUAL TREATMENT FOR MEMBERS OF COAST**
10 **GUARD RESERVE CALLED TO ACTIVE DUTY**
11 **UNDER TITLE 14, UNITED STATES CODE.**

12 (a) INCLUSION IN DEFINITION OF CONTINGENCY OP-
13 ERATION.—Section 101(a)(13)(B) of title 10, United
14 States Code, is amended by inserting “section 712 of title
15 14,” after “chapter 15 of this title,”.

16 (b) CREDIT OF SERVICE TOWARDS REDUCTION OF
17 ELIGIBILITY AGE FOR RECEIPT OF RETIRED PAY FOR
18 NON-REGULAR SERVICE.—Section 12731(f)(2)(B) of title
19 10, United States Code, is amended by adding at the end
20 the following new clause:

21 “(iv) Service on active duty described in this subpara-
22 graph is also service on active duty pursuant to a call or
23 order to active duty authorized by the Secretary of Home-
24 land Security under section 712 of title 14 for purposes

1 of emergency augmentation of the Regular Coast Guard
2 forces.”.

3 (c) POST 9/11 EDUCATIONAL ASSISTANCE.—Section
4 3301(1)(B) of title 38, United States Code, is amended
5 by inserting “or section 712 of title 14” after “title 10”.

6 (d) RETROACTIVE APPLICATION OF AMENDMENTS.—

7 (1) INCLUSION OF PRIOR ORDERS.—The
8 amendments made by this section shall apply to any
9 call or order to active duty authorized by the Sec-
10 retary of Homeland Security under section 712 of
11 title 14, United States Code, on or after April 19,
12 2010.

13 (2) CREDIT FOR PRIOR SERVICE.—The amend-
14 ments made by this section shall be deemed to have
15 been enacted on April 19, 2010, for purposes of ap-
16 plying the amendments to the following provisions of
17 law:

18 (A) Section 5538 of title 5, United States
19 Code, relating to nonreduction in pay.

20 (B) Section 701 of title 10, United States
21 Code, relating to the accumulation and reten-
22 tion of leave.

23 (C) Section 12731 of title 10, United
24 States Code, relating to age and service require-

1 ments for receipt of retired pay for non-regular
2 service.

3 **SEC. 664. MORTGAGE PROTECTION FOR MEMBERS OF THE**
4 **ARMED FORCES, SURVIVING SPOUSES, AND**
5 **CERTAIN VETERANS.**

6 (a) MORTGAGE PROTECTION.—

7 (1) IN GENERAL.—Section 303 of the
8 Servicemembers Civil Relief Act (50 U.S.C. App.
9 533) is amended to read as follows:

10 **“SEC. 303. MORTGAGES AND TRUST DEEDS.**

11 “(a) MORTGAGE AS SECURITY.—This section applies
12 only to an obligation on real or personal property that is
13 secured by a mortgage, trust deed, or other security in
14 the nature of a mortgage and is owned by a covered indi-
15 vidual as follows:

16 “(1) With respect to an obligation on real or
17 personal property owned by a servicemember, such
18 obligation that originated before the period of the
19 servicemember’s military service and for which the
20 servicemember is still obligated.

21 “(2) With respect to an obligation on real prop-
22 erty owned by a servicemember serving in support of
23 a contingency operation (as defined in section
24 101(a)(13) of title 10, United States Code), such ob-

1 ligation that originated at any time and for which
2 the servicemember is still obligated.

3 “(3) With respect to an obligation on real prop-
4 erty owned by a veteran described in subsection
5 (f)(1)(B), such obligation that originated at any
6 time and for which the veteran is still obligated.

7 “(4) With respect to an obligation on real prop-
8 erty owned by a surviving spouse described in sub-
9 section (f)(1)(C), such obligation that originated at
10 any time and for which the spouse is still obligated.

11 “(b) STAY OF PROCEEDINGS AND ADJUSTMENT OF
12 OBLIGATION.—(1) In an action filed during a covered
13 time period to enforce an obligation described in sub-
14 section (a), the court may after a hearing and on its own
15 motion and shall upon application by a covered individual
16 when the individual’s ability to comply with the obligation
17 is materially affected by military service—

18 “(A) stay the proceedings for a period of time
19 as justice and equity require, or

20 “(B) adjust the obligation to preserve the inter-
21 ests of all parties.

22 “(2) For purposes of applying paragraph (1) to a cov-
23 ered individual who is a surviving spouse of a servicemem-
24 ber described in subsection (f)(1)(C), the term ‘military
25 service’ means the service of such servicemember.

1 “(c) SALE OR FORECLOSURE.—A sale, foreclosure, or
2 seizure of property for a breach of an obligation described
3 in subsection (a) shall not be valid during a covered time
4 period except—

5 “(1) upon a court order granted before such
6 sale, foreclosure, or seizure with a return made and
7 approved by the court; or

8 “(2) if made pursuant to an agreement as pro-
9 vided in section 107.

10 “(d) MISDEMEANOR.—A person who knowingly
11 makes or causes to be made a sale, foreclosure, or seizure
12 of property that is prohibited by subsection (c), or who
13 knowingly attempts to do so, shall be fined as provided
14 in title 18, United States Code, or imprisoned for not more
15 than one year, or both.

16 “(e) PROOF OF SERVICE.—(1) A veteran described
17 in subsection (f)(1)(B) shall provide documentation de-
18 scribed in paragraph (2) to relevant persons to prove the
19 eligibility of the veteran to be covered under this section.

20 “(2) Documentation described in this paragraph is a
21 rating decision or a letter from the Department of Vet-
22 erans Affairs that confirms that the veteran is totally dis-
23 abled because of one or more service-connected injuries or
24 service-connected disability conditions.

25 “(f) DEFINITIONS.—In this section:

1 “(1) The term ‘covered individual’ means the
2 following individuals:

3 “(A) A servicemember.

4 “(B) A veteran who was retired under
5 chapter 61 of title 10, United States Code, and
6 whom the Secretary of Veterans Affairs, at the
7 time of such retirement, determines is a totally
8 disabled veteran.

9 “(C) A surviving spouse of a servicemem-
10 ber who—

11 “(i) died while serving in support of a
12 contingency operation if such spouse is the
13 successor in interest to property covered
14 under subsection (a); or

15 “(ii) died while in military service and
16 whose death is service-connected if such
17 spouse is the successor in interest to prop-
18 erty covered under subsection (a).

19 “(2) The term ‘covered time period’ means the
20 following time periods:

21 “(A) With respect to a servicemember,
22 during the period beginning on the date on
23 which such servicemember begins military serv-
24 ice and ending on the date that is 12 months

1 after the date on which such servicemember is
2 discharged from such service.

3 “(B) With respect to a servicemember
4 serving in support of a contingency operation,
5 during the period beginning on the date of the
6 military orders for such service and ending on
7 the date that is 12 months after the date on
8 which such servicemember redeploys from such
9 contingency operation.

10 “(C) With respect to a veteran described in
11 subsection (f)(1)(B), during the 12-month pe-
12 riod beginning on the date of the retirement of
13 such veteran described in such subsection.

14 “(D) With respect to a surviving spouse of
15 a servicemember described in subsection
16 (f)(1)(C), during the 12-month period begin-
17 ning on the date of the death of the service-
18 member.”.

19 (2) CONFORMING AMENDMENT.—Section 107
20 of the Servicemembers Civil Relief Act (50 U.S.C.
21 App. 517) is amended by adding at the end the fol-
22 lowing:

23 “(e) OTHER INDIVIDUALS.—For purposes of this sec-
24 tion, the term ‘servicemember’ includes any covered indi-
25 vidual under section 303(f)(1).”.

1 (3) REPEAL OF SUNSET.—Subsection (c) of
2 section 2203 of the Housing and Economic Recovery
3 Act of 2008 (Public Law 110–289; 50 U.S.C. App.
4 533 note) is amended to read as follows:

5 “(c) EFFECTIVE DATE.—The amendments made by
6 subsection (a) shall take effect on the date of the enact-
7 ment of this Act.”.

8 (b) INCREASED CIVIL PENALTIES FOR MORTGAGE
9 VIOLATIONS.—Paragraph (3) of section 801(b) of the
10 Servicemembers Civil Relief Act (50 U.S.C. App.
11 597(b)(3)) is amended to read as follows:

12 “(3) to vindicate the public interest, assess a
13 civil penalty—

14 “(A) with respect to a violation of section
15 303 regarding real property—

16 “(i) in an amount not exceeding
17 \$110,000 for a first violation; and

18 “(ii) in an amount not exceeding
19 \$220,000 for any subsequent violation; and

20 “(B) with respect to any other violation of
21 this Act—

22 “(i) in an amount not exceeding
23 \$55,000 for a first violation; and

24 “(ii) in an amount not exceeding
25 \$110,000 for any subsequent violation.”.

1 (c) CREDIT DISCRIMINATION.—Section 108 of such
2 Act (50 U.S.C. App. 518) is amended—

3 (1) by striking “Application by” and inserting
4 “(a) Application by”; and

5 (2) by adding at the end the following new sub-
6 section:

7 “(b) In addition to the protections under subsection
8 (a), an individual who is eligible, or who may likely become
9 eligible, for any provision of this Act may not be denied
10 or refused credit or be subject to any other action de-
11 scribed under paragraphs (1) through (6) of subsection
12 (a) solely by reason of such eligibility.”.

13 (d) REQUIREMENTS FOR LENDING INSTITUTIONS
14 THAT ARE CREDITORS FOR OBLIGATIONS AND LIABIL-
15 ITIES COVERED BY THE SERVICEMEMBERS CIVIL RELIEF
16 ACT.—Section 207 of the Servicemembers Civil Relief Act
17 (50 U.S.C. App. 527) is amended—

18 (1) by redesignating subsections (d) and (e) as
19 subsections (e) and (f), respectively; and

20 (2) by inserting after subsection (e) the fol-
21 lowing new subsection (d):

22 “(d) LENDING INSTITUTION REQUIREMENTS.—

23 “(1) COMPLIANCE OFFICERS.—Each lending in-
24 stitution subject to the requirements of this section
25 shall designate an employee of the institution as a

1 compliance officer who is responsible for ensuring
2 the institution's compliance with this section and for
3 distributing information to servicemembers whose
4 obligations and liabilities are covered by this section.

5 “(2) TOLL-FREE TELEPHONE NUMBER.—Dur-
6 ing any fiscal year, a lending institution subject to
7 the requirements of this section that had annual as-
8 sets for the preceding fiscal year of \$10,000,000,000
9 or more shall maintain a toll-free telephone number
10 and shall make such telephone number available on
11 the primary Internet Web site of the institution.”.

12 **SEC. 665. STUDY ON ISSUING IDENTIFICATION CARDS TO**
13 **CERTAIN MEMBERS UPON DISCHARGE.**

14 (a) STUDY.—The Secretary of Defense shall conduct
15 a study assessing the feasibility of issuing to a covered
16 member an identification card that would—

17 (1) provide such member with a convenient
18 method of summarizing the DD-214 form or other
19 official document from the official military personnel
20 file of the member; and

21 (2) not serve as proof of any benefits to which
22 the member may be entitled to.

23 (b) MATTERS INCLUDED.—The study conducted
24 under subsection (a) shall address the following:

1 (1) The information to be included on the iden-
2 tification card.

3 (2) Whether the Secretary should issue such
4 card—

5 (A) to each covered member; or

6 (B) to a covered member upon request.

7 (3) If the card were to be issued to each cov-
8 ered member, the estimated cost of such issuance.

9 (4) If the card were to be issued upon the re-
10 quest of a covered member, whether the Secretary
11 should charge such member a fee for such card, in-
12 cluding the amount of such fee.

13 (c) REPORT.—Not later than one year after the date
14 of the enactment of this Act, the Secretary shall submit
15 to the congressional defense committees a report on the
16 study conducted under subsection (a).

17 (d) COVERED MEMBER.—In this section, the term
18 “covered member” means a member of the Armed Forces
19 who—

20 (1) is expected to be discharged—

21 (A) after the completion of the service obli-
22 gation of the member; and

23 (B) under conditions other than dishonor-
24 able;

1 (2) is expected to be issued a DD Form 214
2 Certificate of Release or Discharge from Active
3 Duty; and

4 (3) after such discharge, would not otherwise be
5 issued an identification card by the Department of
6 Defense or the Department of Veterans Affairs.

7 **TITLE VII—HEALTH CARE**
8 **PROVISIONS**

9 **Subtitle A—Improvements to**
10 **Health Benefits**

11 **SEC. 701. SENSE OF CONGRESS ON NONMONETARY CON-**
12 **TRIBUTIONS TO HEALTH CARE BENEFITS**
13 **MADE BY CAREER MEMBERS OF THE ARMED**
14 **FORCES AND THEIR FAMILIES.**

15 It is the sense of Congress that—

16 (1) career members of the uniformed services
17 and their families endure unique and extraordinary
18 demands and make extraordinary sacrifices over the
19 course of a 20- to 30-year career in protecting free-
20 dom for all Americans; and

21 (2) those decades of sacrifice constitute a sig-
22 nificant pre-paid premium for health care during a
23 career member's retirement that is over and above
24 what the member pays with money.

1 **SEC. 702. EXTENSION OF TRICARE STANDARD COVERAGE**
2 **AND TRICARE DENTAL PROGRAM FOR MEM-**
3 **BERS OF THE SELECTED RESERVE WHO ARE**
4 **INVOLUNTARILY SEPARATED.**

5 (a) TRICARE STANDARD COVERAGE.—Section
6 1076d(b) of title 10, United States Code, is amended—

7 (1) by striking “Eligibility” and inserting “(1)
8 Except as provided in paragraph (2), eligibility”;
9 and

10 (2) by adding at the end the following new
11 paragraph:

12 “(2) During the period beginning on the earlier of
13 the date of the enactment of the National Defense Author-
14 ization Act for Fiscal Year 2013 or October 1, 2012, and
15 ending December 31, 2018, eligibility for a member under
16 this section who is involuntarily separated from the Se-
17 lected Reserve under other than adverse conditions, as
18 characterized by the Secretary concerned, shall terminate
19 180 days after the date on which the member is sepa-
20 rated.”.

21 (b) TRICARE DENTAL COVERAGE.—Section
22 1076a(a)(1) of such title is amended by adding at the end
23 the following new sentence: “During the period beginning
24 on the earlier of the date of the enactment of the National
25 Defense Authorization Act for Fiscal Year 2013 or Octo-
26 ber 1, 2012, and ending December 31, 2018, such plan

1 shall provide that coverage for a member of the Selected
2 Reserve who is involuntarily separated from the Selected
3 Reserve under other than adverse conditions, as character-
4 ized by the Secretary concerned, shall not terminate ear-
5 lier than 180 days after the date on which the member
6 is separated.”.

7 **SEC. 703. MEDICAL AND DENTAL CARE CONTRACTS FOR**
8 **CERTAIN MEMBERS OF THE NATIONAL**
9 **GUARD.**

10 (a) **STANDARDS.**—The Secretary of Defense shall en-
11 sure that each individual who receives medical or dental
12 care under a covered contract meets the standards of med-
13 ical and dental readiness of the Secretary upon the mobili-
14 zation of the individual.

15 (b) **COVERED CONTRACT DEFINED.**—In this section,
16 the term “covered contract” means a contract entered into
17 by the National Guard of a State to provide medical or
18 dental care to the members of such National Guard to en-
19 sure that the members meet applicable standards of med-
20 ical and dental readiness.

21 **SEC. 704. CERTAIN TREATMENT OF AUTISM UNDER**
22 **TRICARE.**

23 (a) **IN GENERAL.**—Section 1077 of title 10, United
24 States Code, is amended by adding at the end the fol-
25 lowing new subsection:

1 “(g)(1) In providing health care under subsection (a)
2 to a covered beneficiary described in paragraph (3)(A), the
3 treatment of autism spectrum disorders shall include be-
4 havioral health treatment, including applied behavior anal-
5 ysis, when prescribed by a physician.

6 “(2) In carrying out this subsection, the Secretary
7 shall ensure that—

8 “(A) except as provided by subparagraph (B),
9 a person who is authorized to provide behavioral
10 health treatment is licensed or certified by a State
11 or accredited national certification board; and

12 “(B) if applied behavior analysis or other be-
13 havioral health treatment is provided by an employee
14 or contractor of a person described in subparagraph
15 (A), the employee or contractor shall meet minimum
16 qualifications, training, and supervision require-
17 ments as set forth by the Secretary.

18 “(3)(A) A covered beneficiary described in this sub-
19 paragraph is a covered beneficiary who is a beneficiary by
20 virtue of—

21 “(i) service in the armed forces (not including
22 the Coast Guard); or

23 “(ii) being a dependent of a member of the
24 armed forces (not including the Coast Guard).

1 “(B) Nothing in this subsection shall be construed
2 as limiting or otherwise affecting the benefits otherwise
3 provided under this chapter to a covered beneficiary who
4 is a beneficiary by virtue of—

5 “(i) service in the Coast Guard, the Commis-
6 sioned Corp of the National Oceanic and Atmos-
7 pheric Administration, or the Commissioned Corp of
8 the Public Health Service; or

9 “(ii) being a dependent of a member of a serv-
10 ice described in clause (i).

11 “(C) This subsection shall not apply to a medicare-
12 eligible beneficiary (as defined in section 1111(b) of this
13 title).

14 “(D) Except as provided in subparagraph (C), noth-
15 ing in this subsection shall be construed as limiting or oth-
16 erwise affecting the benefits provided to a medicare-eli-
17 ble beneficiary under—

18 “(i) this chapter;

19 “(ii) part A of title XVIII of the Social Security
20 Act (42 U.S.C. 1395c et seq.); or

21 “(iii) any other law.”.

22 (b) FUNDING.—

23 (1) INCREASE.—Notwithstanding the amounts
24 set forth in the funding tables in division D, the
25 amount authorized to be appropriated in section

1 1406 for the Defense Health Program, as specified
2 in the corresponding funding table in section 4501,
3 for Private Sector Care is hereby increased by
4 \$30,000,000.

5 (2) OFFSET.—Notwithstanding the amounts set
6 forth in the funding tables in division D, the amount
7 authorized to be appropriated in section 4201 for
8 Research, Development, Test and Evaluation, Army,
9 as specified in the corresponding funding table in di-
10 vision D, is hereby reduced by \$30,000,000, to be
11 derived as follows:

12 (A) \$21,000,000 from the Aerostat Joint
13 Project Office.

14 (B) \$9,000,000 from Endurance UAVs.

15 **SEC. 705. MENTAL HEALTH ASSESSMENTS FOR MEMBERS**
16 **OF THE ARMED FORCES.**

17 (a) IN GENERAL.—Section 1074m of title 10, United
18 States Code, is amended—

19 (1) in subsection (a)(1)—

20 (A) by redesignating subparagraph (B)
21 and (C) as subparagraph (C) and (D), respec-
22 tively; and

23 (B) by inserting after subparagraph (A)
24 the following:

1 “(B) Once during each 180-day period during
2 which a member is deployed.”; and

3 (2) in subsection (c)(1)(A)—

4 (A) in clause (i), by striking “; and” and
5 inserting a semicolon;

6 (B) by redesignating clause (ii) as clause
7 (iii); and

8 (C) by inserting after clause (i) the fol-
9 lowing:

10 “(ii) by personnel in deployed units whose
11 responsibilities include providing unit health
12 care services if such personnel are available and
13 the use of such personnel for the assessments
14 would not impair the capacity of such personnel
15 to perform higher priority tasks; and”.

16 (b) CONFORMING AMENDMENT.—Section
17 1074m(a)(2) of title 10, United States Code, is amended
18 by striking “subparagraph (B) and (C)” and inserting
19 “subparagraph (C) and (D)”.

20 **Subtitle B—Health Care**
21 **Administration**

22 **SEC. 711. UNIFIED MEDICAL COMMAND.**

23 (a) UNIFIED COMBATANT COMMAND.—

1 (1) IN GENERAL.—Chapter 6 of title 10, United
2 States Code, is amended by inserting after section
3 167a the following new section:

4 **“§ 167b. Unified combatant command for medical op-**
5 **erations**

6 “(a) ESTABLISHMENT.—With the advice and assist-
7 ance of the Chairman of the Joint Chiefs of Staff, the
8 President, through the Secretary of Defense, shall estab-
9 lish under section 161 of this title a unified command for
10 medical operations (in this section referred to as the ‘uni-
11 fied medical command’). The principal function of the
12 command is to provide medical services to the armed
13 forces and other health care beneficiaries of the Depart-
14 ment of Defense as defined in chapter 55 of this title.

15 “(b) ASSIGNMENT OF FORCES.—In establishing the
16 unified medical command under subsection (a), all active
17 military medical treatment facilities, training organiza-
18 tions, and research entities of the armed forces shall be
19 assigned to such unified command, unless otherwise di-
20 rected by the Secretary of Defense.

21 “(c) GRADE OF COMMANDER.—The commander of
22 the unified medical command shall hold the grade of gen-
23 eral or, in the case of an officer of the Navy, admiral while
24 serving in that position, without vacating his permanent
25 grade. The commander of such command shall be ap-

1 pointed to that grade by the President, by and with the
2 advice and consent of the Senate, for service in that posi-
3 tion. The commander of such command shall be a member
4 of a health profession described in paragraph (1), (2), (3),
5 (4), (5), or (6) of section 335(j) of title 37. During the
6 five-year period beginning on the date on which the Sec-
7 retary establishes the command under subsection (a), the
8 commander of such command shall be exempt from the
9 requirements of section 164(a)(1) of this title.

10 “(d) SUBORDINATE COMMANDS.—(1) The unified
11 medical command shall have the following subordinate
12 commands:

13 “(A) A command that includes all fixed military
14 medical treatment facilities, including elements of
15 the Department of Defense that are combined, oper-
16 ated jointly, or otherwise operated in such a manner
17 that a medical facility of the Department of Defense
18 is operating in or with a medical facility of another
19 department or agency of the United States.

20 “(B) A command that includes all medical
21 training, education, and research and development
22 activities that have previously been unified or com-
23 bined, including organizations that have been des-
24 ignated as a Department of Defense executive agent.

1 “(C) The Defense Health Agency established
2 under subsection (f).

3 “(2) The commander of a subordinate command of
4 the unified medical command shall hold the grade of lieu-
5 tenant general or, in the case of an officer of the Navy,
6 vice admiral while serving in that position, without
7 vacating his permanent grade. The commander of such a
8 subordinate command shall be appointed to that grade by
9 the President, by and with the advice and consent of the
10 Senate, for service in that position. The commander of
11 such a subordinate command shall also be required to be
12 a surgeon general of one of the military departments.

13 “(e) AUTHORITY OF COMBATANT COMMANDER.—(1)
14 In addition to the authority prescribed in section 164(c)
15 of this title, the commander of the unified medical com-
16 mand shall be responsible for, and shall have the authority
17 to conduct, all affairs of such command relating to medical
18 operations activities.

19 “(2) The commander of such command shall be re-
20 sponsible for, and shall have the authority to conduct, the
21 following functions relating to medical operations activities
22 (whether or not relating to the unified medical command):

23 “(A) Developing programs and doctrine.

24 “(B) Preparing and submitting to the Secretary
25 of Defense program recommendations and budget

1 proposals for the forces described in subsection (b)
2 and for other forces assigned to the unified medical
3 command.

4 “(C) Exercising authority, direction, and con-
5 trol over the expenditure of funds—

6 “(i) for forces assigned to the unified med-
7 ical command;

8 “(ii) for the forces described in subsection
9 (b) assigned to unified combatant commands
10 other than the unified medical command to the
11 extent directed by the Secretary of Defense;
12 and

13 “(iii) for military construction funds of the
14 Defense Health Program.

15 “(D) Training assigned forces.

16 “(E) Conducting specialized courses of instruc-
17 tion for commissioned and noncommissioned officers.

18 “(F) Validating requirements.

19 “(G) Establishing priorities for requirements.

20 “(H) Ensuring the interoperability of equip-
21 ment and forces.

22 “(I) Monitoring the promotions, assignments,
23 retention, training, and professional military edu-
24 cation of medical officers described in paragraph (1),
25 (2), (3), (4), (5), or (6) of section 335(j) of title 37.

1 “(3) The commander of such command shall be re-
2 sponsible for the Defense Health Program, including the
3 Defense Health Program Account established under sec-
4 tion 1100 of this title.

5 “(f) DEFENSE HEALTH AGENCY.—(1) In estab-
6 lishing the unified medical command under subsection (a),
7 the Secretary shall also establish under section 191 of this
8 title a defense agency for health care (in this section re-
9 ferred to as the ‘Defense Health Agency’), and shall trans-
10 fer to such agency the organization of the Department of
11 Defense referred to as the TRICARE Management Activ-
12 ity and all functions of the TRICARE Program (as de-
13 fined in section 1072(7)).

14 “(2) The director of the Defense Health Agency shall
15 hold the rank of lieutenant general or, in the case of an
16 officer of the Navy, vice admiral while serving in that posi-
17 tion, without vacating his permanent grade. The director
18 of such agency shall be appointed to that grade by the
19 President, by and with the advice and consent of the Sen-
20 ate, for service in that position. The director of such agen-
21 cy shall be a member of a health profession described in
22 paragraph (1), (2), (3), (4), (5), or (6) of section 335(j)
23 of title 37.

24 “(g) REGULATIONS.—In establishing the unified
25 medical command under subsection (a), the Secretary of

1 Defense shall prescribe regulations for the activities of the
2 unified medical command.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-
4 tions at the beginning of such chapter is amended
5 by inserting after the item relating to section 167a
6 the following new item:

“167b. Unified combatant command for medical operations.”.

7 (b) PLAN, NOTIFICATION, AND REPORT.—

8 (1) PLAN.—Not later than July 1, 2013, the
9 Secretary of Defense shall submit to the congres-
10 sional defense committees a comprehensive plan to
11 establish the unified medical command authorized
12 under section 167b of title 10, United States Code,
13 as added by subsection (a), including any legislative
14 actions the Secretary considers necessary to imple-
15 ment the plan.

16 (2) NOTIFICATION.—The Secretary shall sub-
17 mit to the congressional defense committees written
18 notification of the time line of the Secretary to es-
19 tablish the unified medical command under such sec-
20 tion 167b by not later than the date that is 30 days
21 before establishing such command.

22 (3) REPORT.—Not later than 180 days after
23 submitting the notification under paragraph (2), the
24 Secretary shall submit to the congressional defense
25 committees a report on—

1 (A) the establishment of the unified med-
2 ical command; and

3 (B) the establishment of the Defense
4 Health Agency under subsection (f) of such sec-
5 tion 167b.

6 **SEC. 712. AUTHORITY FOR AUTOMATIC ENROLLMENT IN**
7 **TRICARE PRIME OF DEPENDENTS OF MEM-**
8 **BERS IN PAY GRADES ABOVE PAY GRADE E-**
9 **4.**

10 Subsection (a) of section 1097a of title 10, United
11 States Code, is amended to read as follows:

12 “(a) AUTOMATIC ENROLLMENT OF CERTAIN DE-
13 PENDENTS.—(1) In the case of a dependent of a member
14 of the uniformed services who is entitled to medical and
15 dental care under section 1076(a)(2)(A) of this title and
16 resides in an area in which TRICARE Prime is offered,
17 the Secretary—

18 “(A) shall automatically enroll the dependent in
19 TRICARE Prime if the member is in pay grade E-
20 4 or below; and

21 “(B) may automatically enroll the dependent in
22 TRICARE Prime if the member is in pay grade E-
23 5 or higher.

24 “(2) Whenever a dependent of a member is enrolled
25 in TRICARE Prime under paragraph (1), the Secretary

1 concerned shall provide written notice of the enrollment
2 to the member.

3 “(3) The enrollment of a dependent of the member
4 may be terminated by the member or the dependent at
5 any time.”.

6 **SEC. 713. COOPERATIVE HEALTH CARE AGREEMENTS BE-**
7 **TWEEN THE MILITARY DEPARTMENTS AND**
8 **NON-MILITARY HEALTH CARE ENTITIES.**

9 (a) **AUTHORITY.**—In addition to the authority of the
10 Secretary of Defense under section 713 of the National
11 Defense Authorization Act of 2010 (10 U.S.C. 1073 note),
12 the Secretary of each military department may establish
13 cooperative health care agreements between military in-
14 stallations and local or regional health care entities.

15 (b) **REQUIREMENTS.**—In establishing an agreement
16 under subsection (a), the Secretary concerned shall—

17 (1) consult with—

18 (A) representatives from the military in-
19 stallation selected for the agreement, including
20 the TRICARE managed care support con-
21 tractor with responsibility for such installation;
22 and

23 (B) Federal, State, and local government
24 officials;

1 (2) identify and analyze health care services
2 available in the area in which the military installa-
3 tion is located, including such services available at a
4 military medical treatment facility or in the private
5 sector (or a combination thereof);

6 (3) determine the cost avoidance or savings re-
7 sulting from innovative partnerships between the
8 military department concerned and the private sec-
9 tor; and

10 (4) determine the opportunities for and barriers
11 to coordinating and leveraging the use of existing
12 health care resources, including such resources of
13 Federal, State, local, and private entities.

14 (c) **RULE OF CONSTRUCTION.**—Nothing in this sec-
15 tion shall be construed as authorizing the provision of
16 health care services at military medical treatment facilities
17 or other facilities of the Department of Defense to individ-
18 uals who are not otherwise entitled or eligible for such
19 services under chapter 55 of title 10, United States Code.

20 (d) **SECRETARY CONCERNED DEFINED.**—In this sec-
21 tion, the term “Secretary concerned” has the meaning
22 given that term in section 101(a)(9) of title 10, United
23 States Code.

1 **SEC. 714. REQUIREMENT TO ENSURE THE EFFECTIVENESS**
2 **AND EFFICIENCY OF HEALTH ENGAGEMENTS.**

3 (a) IN GENERAL.—The Secretary of Defense, in co-
4 ordination with the Assistant Secretary of Defense for
5 Health Affairs and the Uniformed Services University of
6 the Health Sciences, shall develop a process to ensure that
7 health engagements conducted by the Department of De-
8 fense are effective and efficient in meeting the national
9 security goals of the United States.

10 (b) PROCESS GOALS.—The Assistant Secretary of
11 Defense for Health Affairs and the Uniformed Services
12 University of the Health Sciences shall ensure that each
13 process developed under subsection (a)—

14 (1) assesses the operational mission capabilities
15 of the health engagement;

16 (2) uses the collective expertise of the Federal
17 Government and non-governmental organizations to
18 ensure collaboration and partnering activities; and

19 (3) assesses the stability and resiliency of the
20 host nation of such engagement.

21 (c) PILOT PROGRAMS.—The Secretary of Defense, in
22 coordination with the Uniformed Services University of
23 Health Sciences, may conduct pilot programs to assess the
24 effectiveness of any process developed under subsection (a)
25 to ensure the applicability of the process to health engage-
26 ments conducted by the Department of Defense.

1 **SEC. 715. CLARIFICATION OF APPLICABILITY OF FEDERAL**
2 **TORT CLAIMS ACT TO SUBCONTRACTORS EM-**
3 **PLOYED TO PROVIDE HEALTH CARE SERV-**
4 **ICES TO THE DEPARTMENT OF DEFENSE.**

5 Section 1089(a) of title 10, United States Code, is
6 amended in the last sentence—

7 (1) by striking “if the physician, dentist, nurse,
8 pharmacist, or paramedical” and inserting “to such
9 a physician, dentist, nurse, pharmacist, or para-
10 medical”;

11 (2) by striking “involved is”; and

12 (3) by inserting before the period at the end the
13 following: “or a subcontract at any tier under such
14 a contract”.

15 **SEC. 716. PILOT PROGRAM ON INCREASED THIRD-PARTY**
16 **COLLECTION REIMBURSEMENTS IN MILI-**
17 **TARY MEDICAL TREATMENT FACILITIES.**

18 (a) PILOT PROGRAM.—

19 (1) IN GENERAL.—The Secretary of Defense, in
20 coordination with the Secretaries of the military de-
21 partments, shall carry out a pilot program to assess
22 the feasibility of using processes described in para-
23 graph (2) to increase the amounts collected under
24 section 1095 of title 10, United States Code, from
25 a third-party payer for charges for health care serv-

1 ices incurred by the United States at a military
2 medical treatment facility.

3 (2) PROCESSES DESCRIBED.—The processes de-
4 scribed in this paragraph are revenue-cycle improve-
5 ment processes, including cash-flow management
6 and accounts-receivable processes.

7 (b) REQUIREMENTS.—In carrying out the pilot pro-
8 gram under subsection (a)(1), the Secretary shall—

9 (1) identify and analyze the best practice op-
10 tions with respect to the processes described in sub-
11 section (a)(2) that are used in nonmilitary health
12 care facilities; and

13 (2) conduct a cost-benefit analysis to assess the
14 pilot program, including an analysis of—

15 (A) the different processes used in the
16 pilot program;

17 (B) the amount of third-party collections
18 that resulted from such processes;

19 (C) the cost to implement and sustain such
20 processes; and

21 (D) any other factors the Secretary deter-
22 mines appropriate to assess the pilot program.

23 (c) LOCATIONS.—The Secretary shall carry out the
24 pilot program under subsection (a)(1) at not less than two

1 military installations of different military departments
2 that meet the following criteria:

3 (1) There is a military medical treatment facil-
4 ity that has inpatient and outpatient capabilities at
5 the installation.

6 (2) At least 40 percent of the military bene-
7 ficiary population residing in the catchment area
8 surrounding the installation is potentially covered by
9 a third-party payer (as defined in section 1095(h)(1)
10 of title 10, United States Code).

11 (d) DURATION.—The Secretary shall commence the
12 pilot program under subsection (a)(1) by not later than
13 270 days after the date of the enactment of this Act and
14 shall carry out such program for three years.

15 (e) REPORT.—Not later than 180 days after com-
16 pleting the pilot program under subsection (a)(1), the Sec-
17 retary shall submit to the congressional defense commit-
18 tees a report describing the results of the program, includ-
19 ing—

20 (1) a comparison of—

21 (A) the processes described in subsection
22 (a)(2) that were used in the military medical
23 treatment facilities participating in the pro-
24 gram; and

1 (B) the third-party collection processes
2 used by military medical treatment facilities not
3 included in the program;

4 (2) a cost analysis of implementing the proc-
5 esses described in subsection (a)(2) for third-party
6 collections at military medical treatment facilities;
7 and

8 (3) an assessment of the program, including
9 any recommendations to improve third-party collec-
10 tions.

11 **SEC. 717. PILOT PROGRAM FOR REFILLS OF MAINTENANCE**
12 **MEDICATIONS FOR TRICARE FOR LIFE BENE-**
13 **FICIARIES THROUGH THE TRICARE MAIL-**
14 **ORDER PHARMACY PROGRAM.**

15 (a) IN GENERAL.—The Secretary of Defense shall
16 conduct a pilot program to refill prescription maintenance
17 medications for each TRICARE for Life beneficiary
18 through the national mail-order pharmacy program under
19 section 1074g(a)(2)(E)(iii) of title 10, United States
20 Code.

21 (b) MEDICATIONS COVERED.—

22 (1) DETERMINATION.—The Secretary shall de-
23 termine the prescription maintenance medications
24 included in the pilot program under subsection (a).

1 (2) SUPPLY.—In carrying out the pilot program
2 under subsection (a), the Secretary shall ensure that
3 the medications included in the program are—

4 (A) generally available to the TRICARE
5 for Life beneficiary through retail pharmacies
6 only for an initial filling of a 30-day or less
7 supply; and

8 (B) any refills of such medications are ob-
9 tained through the national mail-order phar-
10 macy program.

11 (3) EXEMPTION.—The Secretary may exempt
12 the following prescription maintenance medications
13 from the requirements in paragraph (2):

14 (A) Such medications that are for acute
15 care needs.

16 (B) Such other medications as the Sec-
17 retary determines appropriate.

18 (c) NONPARTICIPATION.—

19 (1) OPT OUT.—The Secretary shall give
20 TRICARE for Life beneficiaries who have been cov-
21 ered by the pilot program under subsection (a) for
22 a period of one year an opportunity to opt out of
23 continuing to participate in the program.

24 (2) WAIVER.—The Secretary may waive the re-
25 quirement of a TRICARE for Life beneficiary to

1 participate in the pilot program under subsection (a)
2 if the Secretary determines, on an individual basis,
3 that such waiver is appropriate.

4 (d) **TRICARE FOR LIFE BENEFICIARY DEFINED.**—
5 In this section, the term “TRICARE for Life beneficiary”
6 means a TRICARE beneficiary enrolled in the Medicare
7 wraparound coverage option of the TRICARE program
8 made available to the beneficiary by reason of section
9 1086(d) of title 10, United States Code.

10 (e) **REPORTS.**—Not later than March 31 of each year
11 beginning in 2014 and ending in 2018, the Secretary shall
12 submit to the congressional defense committees a report
13 on the pilot program under subsection (a), including the
14 effects of offering incentives for the use of mail order
15 pharmacies by TRICARE beneficiaries and the effect on
16 retail pharmacies.

17 (f) **SUNSET.**—The Secretary may not carry out the
18 pilot program under subsection (a) after December 31,
19 2017.

20 **SEC. 718. COST-SHARING RATES FOR PHARMACY BENEFITS**
21 **PROGRAM OF THE TRICARE PROGRAM.**

22 (a) **IN GENERAL.**—Section 1074g(a)(6) of title 10,
23 United States Code, is amended—

24 (1) by amending subparagraph (A) to read as
25 follows:

1 “(A) The Secretary, in the regulations prescribed
2 under subsection (h), shall establish cost-sharing require-
3 ments under the pharmacy benefits program. In accord-
4 ance with subparagraph (C), such cost-sharing require-
5 ments shall consist of the following:

6 “(i) With respect to each supply of a prescrip-
7 tion covering not more than 30 days that is obtained
8 by a covered beneficiary under the TRICARE retail
9 pharmacy program—

10 “(I) in the case of generic agents, \$5;

11 “(II) in the case of formulary agents, \$17;

12 and

13 “(III) in the case of nonformulary agents,
14 \$44.

15 “(ii) With respect to each supply of a prescrip-
16 tion covering not more than 90 days that is obtained
17 by a covered beneficiary under the national mail-
18 order pharmacy program—

19 “(I) in the case of generic agents, \$0;

20 “(II) in the case of formulary agents, \$13;

21 and

22 “(III) in the case of nonformulary agents,
23 \$43.”; and

24 (2) by adding at the end the following new sub-
25 paragraph:

1 “(C) Beginning October 1, 2013, the Secretary may
2 only increase in any year the cost-sharing amount estab-
3 lished under subparagraph (A) by an amount equal to the
4 percentage by which retired pay is increased under section
5 1401a of this title.”.

6 (b) **EFFECTIVE DATE.**—The cost-sharing require-
7 ments under section 1074g(a)(6)(A) of title 10, United
8 States Code, as amended by subsection (a)(1), shall apply
9 with respect to prescriptions obtained under the
10 TRICARE pharmacy benefits program on or after October
11 1, 2012.

12 **SEC. 719. REVIEW OF THE ADMINISTRATION OF THE MILI-**
13 **TARY HEALTH SYSTEM.**

14 Section 716(a)(1) of the National Defense Authoriza-
15 tion Act for Fiscal Year 2012 (Public Law 112–81; 125
16 Stat. 1477) is amended by striking “until a 120-day pe-
17 riod” and all that follows through the period and inserting
18 the following: “until the Secretary implements and com-
19 pletes any recommendations included in the report sub-
20 mitted by the Comptroller General of the United States
21 under subsection (b)(3) and notifies the congressional de-
22 fense committees of such implementation and comple-
23 tion.”.

1 **Subtitle C—Reports and Other**
2 **Matters**

3 **SEC. 721. EXTENSION OF COMPTROLLER GENERAL REPORT**
4 **ON CONTRACT HEALTH CARE STAFFING FOR**
5 **MILITARY MEDICAL TREATMENT FACILITIES.**

6 Section 726(a) of the National Defense Authorization
7 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
8 1480) is amended by striking “March 31, 2012” and in-
9 serting “March 31, 2013”.

10 **SEC. 722. EXTENSION OF COMPTROLLER GENERAL REPORT**
11 **ON WOMEN-SPECIFIC HEALTH SERVICES AND**
12 **TREATMENT FOR FEMALE MEMBERS OF THE**
13 **ARMED FORCES.**

14 Section 725(c) of the National Defense Authorization
15 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
16 1480) is amended by striking “December 31, 2012” and
17 inserting “March 31, 2013”.

18 **SEC. 723. ESTABLISHMENT OF TRICARE WORKING GROUP.**

19 (a) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that—

21 (1) children of members of the Armed Forces
22 deserve health-care practices and policies that—

23 (A) are designed to meet their pediatric-
24 specific needs;

1 (B) are developed and determined
2 proactively and comprehensively; and

3 (C) ensure and maintain their access to pe-
4 diatric-specific treatments, providers, and facili-
5 ties.

6 (2) children's health-care needs and standards
7 of care are different and distinct from those of
8 adults, therefore the TRICARE program should un-
9 dertake a proactive, comprehensive approach to re-
10 view and analyze its policies and practices to meet
11 the needs of children to ensure that children and
12 their families receive appropriate care in proper set-
13 tings and avoid unnecessary challenges in seeking or
14 obtaining proper health care;

15 (3) a proactive and comprehensive review is
16 necessary because the reimbursement structure of
17 the TRICARE program is patterned upon Medicare
18 and the resulting policies and practices of the
19 TRICARE program do not always properly reflect
20 appropriate standards for pediatric care;

21 (4) one distinct aspect of children's health care
22 is the need for specialty care and services for chil-
23 dren with special-health-care needs and chronic-
24 health conditions;

1 (5) the requirement for specialized health care
2 and developmental support is an ongoing and serious
3 matter of day-to-day life for families with children
4 with special or chronic-health-care needs;

5 (6) the Department of Defense and the
6 TRICARE program, recognizing the special needs of
7 certain children, have instituted special-needs pro-
8 grams, including the ECHO program, but there are
9 collateral needs that are not being met, generally be-
10 cause the services are provided in the local commu-
11 nity rather than by the Department of Defense, who
12 may not always have the best tools or knowledge to
13 access these State and local resources;

14 (7) despite wholehearted efforts by the Depart-
15 ment of Defense, a gap exists between linking mili-
16 tary families with children with special-health-care
17 needs and chronic conditions with the resources and
18 services available from local or regional highly spe-
19 cialized providers and the communities and States in
20 which they reside;

21 (8) the gap is especially exacerbated by the mo-
22 bility of military families, who often move from
23 State to State, because special-needs health care,
24 educational, and social services are very specific to

1 each local community and State and such services
2 often have lengthy waiting lists; and

3 (9) the Department of Defense will be better
4 able to assist military families with children with
5 special-health-care needs fill the gap by collaborating
6 with special-health-care needs providers and those
7 knowledgeable about the opportunities for such chil-
8 dren that are provided by States and local commu-
9 nities.

10 (b) ESTABLISHMENT.—

11 (1) IN GENERAL.—The Secretary of Defense
12 shall establish a working group to carry out a review
13 of the TRICARE program with respect to—

14 (A) pediatric health care needs under para-
15 graph (2); and

16 (B) pediatric special and chronic health
17 care needs under paragraph (3).

18 (2) PEDIATRIC HEALTH CARE NEEDS.—

19 (A) DUTIES.—The working group shall—

20 (i) comprehensively review the policy
21 and practices of the TRICARE program
22 with respect to providing pediatric health
23 care;

24 (ii) recommend changes to such poli-
25 cies and practices to ensure that—

1 (I) children receive appropriate
2 care in an appropriate manner, at the
3 appropriate time, and in an appro-
4 priate setting; and

5 (II) access to care and treatment
6 provided by pediatric providers and
7 children's hospitals remains available
8 for families with children; and

9 (iii) develop a plan to implement such
10 changes.

11 (B) REVIEW.—In carrying out the duties
12 under subparagraph (A), the working group
13 shall—

14 (i) identify improvements in policies,
15 practices, and administration of the
16 TRICARE program with respect to pedi-
17 atric-specific health care and pediatric-spe-
18 cific healthcare settings;

19 (ii) analyze the direct and indirect ef-
20 fects of the reimbursement policies and
21 practices of the TRICARE program with
22 respect to pediatric care and care provided
23 in pediatric settings;

24 (iii) consider case management pro-
25 grams with respect to pediatric complex

1 and chronic care, including whether pedi-
2 atric specific programs are necessary;

3 (iv) develop a plan to ensure that the
4 TRICARE program addresses pediatric-
5 specific health care needs on an on-going
6 basis beyond the life of the working group;

7 (v) consider how the TRICARE pro-
8 gram can work with the pediatric provider
9 community to ensure access, promote com-
10 munication and collaboration, and optimize
11 experiences of military families seeking and
12 receiving health care services for children;
13 and

14 (vi) review matters that further the
15 mission of the working group.

16 (3) PEDIATRIC SPECIAL AND CHRONIC HEALTH
17 CARE NEEDS.—

18 (A) DUTIES.—The working group shall—

19 (i) review the methods in which fami-
20 lies in the TRICARE program who have
21 children with special-health-care needs ac-
22 cess community resources and health-care
23 resources;

24 (ii) review how having access to, and
25 a better understanding of, community re-

1 sources may improve access to health care
2 and support services;

3 (iii) recommend methods to accom-
4 plish improved access by such children and
5 families to community resources and
6 health-care resources, including through
7 collaboration with children's hospitals and
8 other providers of pediatric specialty care,
9 local agencies, local communities, and
10 States;

11 (iv) consider approaches and make
12 recommendations for the improved integra-
13 tion of individualized or compartmentalized
14 medical and family support resources for
15 military families;

16 (v) work closely with the Office of
17 Community Support for Military Families
18 with Special Needs of the Department of
19 Defense and other relevant offices to avoid
20 redundancies and target shared areas of
21 concern for children with special or chron-
22 ic-health-care needs; and

23 (vi) review any relevant information
24 learned and findings made by the working
25 group under this paragraph that may be

1 considered or adopted in a consistent man-
2 ner with respect to improving access, re-
3 sources, and services for adults with spe-
4 cial needs.

5 (B) REVIEW.—In carrying out the duties
6 under subparagraph (A), the working group
7 shall—

8 (i) discuss improvements to special
9 needs health care policies and practices;

10 (ii) determine how to support and pro-
11 tect families of members of the National
12 Guard or Reserve Components as the
13 members transition into and out of the rel-
14 evant Exceptional Family Member Pro-
15 gram or the ECHO program;

16 (iii) analyze case management services
17 to improve consistency, communication,
18 knowledge, and understanding of resources
19 and community contacts;

20 (iv) identify areas in which a State
21 may offer services that are not covered by
22 the TRICARE program or the ECHO pro-
23 gram and how to coordinate such services;

24 (v) identify steps that States and
25 communities can take to improve support

1 for military families of children with spe-
2 cial health care needs;

3 (vi) consider how the TRICARE pro-
4 gram and other programs of the Depart-
5 ment of Defense can work with specialty
6 pediatric providers and resource commu-
7 nities to ensure access, promote commu-
8 nication and collaboration, and optimize
9 experiences of military families seeking and
10 receiving health care services for their chil-
11 dren with special or chronic health care
12 needs;

13 (vii) consider special and chronic
14 health care in a comprehensive manner
15 without focus on one or more conditions or
16 diagnoses to the exclusion of others;

17 (viii) focus on ways to create innova-
18 tive partnerships, linkages, and access to
19 information and resources for military
20 families across the spectrum of the special-
21 needs community and between the medical
22 community and the family support commu-
23 nity; and

24 (ix) review matters that further the
25 mission of the working group.

1 (c) MEMBERSHIP.—

2 (1) APPOINTMENTS.—The working group shall
3 be composed of not less than 14 members as follows:

4 (A) The Chief Medical Officer of the
5 TRICARE program, who shall serve as chair-
6 person.

7 (B) The Chief Medical Officers of the
8 North, South, and West regional offices of the
9 TRICARE program.

10 (C) One individual representing the Army
11 appointed by the Surgeon General of the Army.

12 (D) One individual representing the Navy
13 appointed by the Surgeon General of the Navy.

14 (E) One individual representing the Air
15 Force appointed by the Surgeon General of the
16 Air Force.

17 (F) One individual representing the re-
18 gional managed care support contractor of the
19 North region of the TRICARE program ap-
20 pointed by such contractor.

21 (G) One individual representing the re-
22 gional managed care support contractor of the
23 South region of the TRICARE program ap-
24 pointed by such contractor.

1 (H) One individual representing the re-
2 gional managed care support contractor of the
3 West region of the TRICARE program ap-
4 pointed by such contractor.

5 (I) Not more than three individuals rep-
6 resenting the non-profit organization the Mili-
7 tary Coalition appointed by such organization.

8 (J) One individual representing the Amer-
9 ican Academy of Pediatrics appointed by such
10 organization.

11 (K) One individual representing the Na-
12 tional Association of Children's Hospitals ap-
13 pointed by such organization.

14 (L) One individual representing military
15 families who is not an employee of an organiza-
16 tion representing such families.

17 (M) Any other individual as determined by
18 the Chief Medical Officer of the TRICARE pro-
19 gram.

20 (2) TERMS.—Each member shall be appointed
21 for the life of the working group. A vacancy in the
22 working group shall be filled in the manner in which
23 the original appointment was made.

24 (3) TRAVEL EXPENSES.—Each member shall
25 receive travel expenses, including per diem in lieu of

1 subsistence, in accordance with applicable provisions
2 under subchapter I of chapter 57 of title 5, United
3 States Code.

4 (4) STAFF.—The Secretary of Defense shall en-
5 sure that employees of the TRICARE program pro-
6 vide the working group with the necessary support
7 to carry out this section.

8 (d) MEETINGS.—

9 (1) SCHEDULE.—The working group shall—

10 (A) convene its first meeting not later than
11 60 days after the date of the enactment of this
12 Act; and

13 (B) convene not less than four other times.

14 (2) FORM.—Any meeting of the working group
15 may be conducted in-person or through the use of
16 video conferencing.

17 (3) QUORUM.—Seven members of the working
18 group shall constitute a quorum but a lesser number
19 may hold hearings.

20 (e) ADVICE.—With respect to carrying out the review
21 of the TRICARE program and pediatric special and
22 chronic health care needs under subsection (b)(3), the
23 working group shall seek counsel from the following indi-
24 viduals acting as an expert advisory group:

1 (1) One individual representing the Exceptional
2 Family Member Program of the Army.

3 (2) One individual representing the Exceptional
4 Family Member Program of the Navy.

5 (3) One individual representing the Exceptional
6 Family Member Program of the Air Force.

7 (4) One individual representing the Exceptional
8 Family Member Program of the Marine Corps.

9 (5) One individual representing the Office of
10 Community Support for Military Families with Spe-
11 cial Needs.

12 (6) One individual who is not an employee of an
13 organization representing military families shall rep-
14 resent a military family with a child with special
15 health care needs.

16 (7) Not more than three individuals rep-
17 resenting organizations that—

18 (A) are not otherwise represented in this
19 paragraph or in the working group; and

20 (B) possess expertise needed to carry out
21 the goals of the working group.

22 (f) REPORTS REQUIRED.—

23 (1) REPORT.—Not later than 12 months after
24 the date on which the working group convenes its
25 first meeting, the working group shall submit to the

1 congressional defense committees a report includ-
2 ing—

3 (A) any changes described in subsection
4 (b)(2)(A)(ii) identified by the working group
5 that—

6 (i) require legislation to carry out, in-
7 cluding proposed legislative language for
8 such changes;

9 (ii) require regulations to carry out,
10 including proposed regulatory language for
11 such changes; and

12 (iii) may be carried out without legis-
13 lation or regulations, including a time line
14 for such changes; and

15 (B) steps that States and local commu-
16 nities may take to improve the experiences of
17 military families with special-needs children in
18 interacting with and accessing State and local
19 community resources.

20 (2) FINAL REPORT.—Not later than 18 months
21 after the date on which the report is submitted
22 under paragraph (1), the working group shall sub-
23 mit to the congressional defense committees a final
24 report including—

1 (A) any additional information and up-
2 dates to the report submitted under paragraph
3 (1);

4 (B) information with respect to how the
5 Secretary of Defense is implementing the
6 changes identified in the report submitted
7 under paragraph (1); and

8 (C) information with respect to any steps
9 described in subparagraph (B) of such para-
10 graph that were taken by States and local com-
11 munities after the date on which such report
12 was submitted.

13 (g) TERMINATION.—The working group shall termi-
14 nate on the date that is 30 days after the date on which
15 the working group submits the final report pursuant to
16 subsection (f)(2).

17 (h) DEFINITIONS.—In this Act:

18 (1) The term “children” means dependents of a
19 member of the Armed Forces who are—

20 (A) individuals who have not yet attained
21 the age of 21; or

22 (B) individuals who have not yet attained
23 the age of 27 if the inclusion of such depend-
24 ents is applicable and relevant to a program or
25 policy being reviewed under this Act.

1 (2) The term “congressional defense commit-
2 tees” has the meaning given that term in section
3 101(a)(16) of title 10, United States Code.

4 (3) The term “ECHO program” means the pro-
5 gram established pursuant to subsections (d)
6 through (e) of section 1079 of title 10, United
7 States Code (commonly referred to as the “Extended
8 Care Health Option program”).

9 (4) The term “TRICARE program” means the
10 managed health care program that is established by
11 the Department of Defense under chapter 55 of title
12 10, United States Code.

13 **SEC. 724. REPORT ON STRATEGY TO TRANSITION TO USE**
14 **OF HUMAN-BASED METHODS FOR CERTAIN**
15 **MEDICAL TRAINING.**

16 (a) REPORT.—

17 (1) IN GENERAL.—Not later than March 1,
18 2013, the Secretary of Defense shall submit to the
19 congressional defense committees a report that out-
20 lines a strategy to refine and, when appropriate,
21 transition to using human-based training methods
22 for the purpose of training members of the Armed
23 Forces in the treatment of combat trauma injuries
24 by October 1, 2017.

1 (2) ELEMENTS.—The report under paragraph
2 (1) shall include the following:

3 (A) Required research, development, test-
4 ing, and evaluation investments to validate
5 human-based training methods to refine, re-
6 duce, and, when appropriate, transition from
7 the use of live animals in medical education and
8 training by October 1, 2015.

9 (B) Phased sustainment and readiness
10 costs to refine, reduce, and, when appropriate,
11 replace the use of live animals in medical edu-
12 cation and training by October 1, 2017.

13 (C) Any risks associated with transitioning
14 to human-based training methods, including re-
15 source availability, anticipated technological de-
16 velopment time lines, and potential impact on
17 the present combat trauma training curricula.

18 (D) An assessment of the potential effect
19 of transitioning to human based-training meth-
20 ods on the quality of medical care delivered on
21 the battlefield including any reduction in the
22 competency of combat medical personnel.

23 (E) An assessment of risks to maintaining
24 the level of combat life-saver techniques per-
25 formed by all members of the Armed Forces.

1 (b) UPDATED ANNUAL REPORTS.—Not later than
2 March 1, 2014, and each year thereafter, the Secretary
3 shall submit to the congressional defense committees a re-
4 port on the development and implementation of human-
5 based training methods for the purposes of training mem-
6 bers of the Armed Forces in the treatment of combat trau-
7 ma injuries under this section.

8 (c) DEFINITIONS.—In this section:

9 (1) The term “combat trauma injuries” means
10 severe injuries likely to occur during combat, includ-
11 ing—

12 (A) extremity hemorrhage;

13 (B) tension pneumothorax;

14 (C) amputation resulting from blast injury;

15 (D) compromises to the airway; and

16 (E) other injuries.

17 (2) The term “human-based training methods”
18 means, with respect to training individuals in med-
19 ical treatment, the use of systems and devices that
20 do not use animals, including—

21 (A) simulators;

22 (B) partial task trainers;

23 (C) moulage;

24 (D) simulated combat environments; and

25 (E) human cadavers.

1 (3) The term “partial task trainers” means
2 training aids that allow individuals to learn or prac-
3 tice specific medical procedures.

4 **SEC. 725. PILOT PROGRAM ON ENHANCEMENTS OF DE-**
5 **PARTMENT OF DEFENSE EFFORTS ON MEN-**
6 **TAL HEALTH IN THE NATIONAL GUARD AND**
7 **RESERVES THROUGH COMMUNITY PARTNER-**
8 **SHIPS.**

9 (a) PROGRAM AUTHORITY.—The Secretary of De-
10 fense may carry out a pilot program to enhance the efforts
11 of the Department of Defense in research, treatment, edu-
12 cation, and outreach on mental health and substance use
13 disorders and traumatic brain injury in members of the
14 National Guard and Reserves, their family members, and
15 their caregivers through community partners.

16 (b) COMMUNITY PARTNERS.—The Secretary of De-
17 fense may award grants to community partners described
18 in subsection (c) using a competitive and merit-based
19 award process whereby the awardee agrees to make con-
20 tributions toward the costs of activities carried out with
21 the grant, from non-Federal sources, an amount equal to
22 not less than \$3 for each \$1 of funds provided under the
23 grant.

24 (c) COMMUNITY PARTNER DESCRIBED.—A commu-
25 nity partner described in this subsection is a private non-

1 profit organization or institution that engages in one or
2 more of the following:

3 (1) Research on the causes, development, and
4 innovative treatment of mental health and substance
5 use disorders and traumatic brain injury in members
6 of the National Guard and Reserves, their family
7 members, and their caregivers.

8 (2) Providing treatment to such members and
9 their families for such mental health and substance
10 use disorders and traumatic brain injury.

11 (3) Identifying and disseminating evidence-
12 based treatments of mental health and substance use
13 disorders and traumatic brain injury described in
14 paragraph (1).

15 (4) Outreach and education to such members,
16 their families and caregivers, and the public about
17 mental health and substance use disorders and trau-
18 matic brain injury described in paragraph (1).

19 (d) DURATION.—The duration of the pilot program
20 may not exceed three years.

21 (e) REPORT.—Not later than 180 days before the
22 completion of the pilot program, the Secretary of Defense
23 shall submit to the Secretary of Veterans Affairs and Con-
24 gress a report on the results of the pilot program, includ-
25 ing the amount of grants so awarded and activities carried

1 out, the number of members of the National Guard and
2 Reserves provided treatment or services by community
3 partners, and a description and assessment of the effec-
4 tiveness and achievements of the pilot program with re-
5 spect to research, treatment, education, and outreach on
6 mental health and substance use disorders and traumatic
7 brain injury.

8 **SEC. 726. STUDY ON BREAST CANCER AMONG MEMBERS OF**
9 **THE ARMED FORCES AND VETERANS.**

10 (a) **STUDY.**—The Secretary of Defense and the Sec-
11 retary of Veterans Affairs shall jointly conduct a study
12 on the incidence of breast cancer among members of the
13 Armed Forces (including members of the National Guard
14 and reserve components) and veterans. Such study shall
15 include the following:

16 (1) A determination of the number of members
17 and veterans diagnosed with breast cancer.

18 (2) A determination of demographic informa-
19 tion regarding such members and veterans, includ-
20 ing—

21 (A) race;

22 (B) ethnicity;

23 (C) sex;

24 (D) age;

1 (E) possible exposure to hazardous ele-
2 ments or chemical or biological agents (includ-
3 ing any vaccines) and where such exposure oc-
4 curred;

5 (F) the locations of duty stations that such
6 member or veteran was assigned;

7 (G) the locations in which such member or
8 veteran was deployed; and

9 (H) the geographic area of residence prior
10 to deployment.

11 (3) An analysis of breast cancer treatments re-
12 ceived by such members and veterans.

13 (4) Other information the Secretaries consider
14 necessary.

15 (b) REPORT.—Not later than 18 months after the
16 date of the enactment of this Act, the Secretary of Defense
17 and the Secretary of Veterans Affairs shall jointly submit
18 to Congress a report containing the results of the study
19 required under subsection (a).

20 (c) FUNDING INCREASE AND OFFSETTING REDUC-
21 TION.—Notwithstanding the amounts set forth in the
22 funding tables in division D—

23 (1) the amount authorized to be appropriated in
24 section 1406 for the Defense Health Program, as
25 specified in the corresponding funding table in divi-

1 sion D, is hereby increased by \$10,000,000, with the
2 amount of the increase allocated to the Defense
3 Health Program, as set forth in the table under sec-
4 tion 4501, to carry out this section; and

5 (2) the amount authorized to be appropriated in
6 section 101 for Weapons Procurement, Navy, as
7 specified in the corresponding funding table in sec-
8 tion 4101 of division D, is hereby reduced by a total
9 \$10,000,000, with the amount of the reduction to be
10 derived from—

11 (A) Line 004 (AMRAAM) in the amount
12 of \$2,700,000;

13 (B) Line 006 (JSOW) in the amount of
14 \$2,700,000; and

15 (C) Line 009 (Hellfire) in the amount of
16 \$4,600,000.

17 **SEC. 727. INCREASED COLLABORATION WITH NIH TO COM-**
18 **BAT TRIPLE NEGATIVE BREAST CANCER.**

19 The Office of Health of the Department of Defense
20 shall work in collaboration with the National Institutes of
21 Health to—

22 (1) identify specific genetic and molecular tar-
23 gets and biomarkers for triple negative breast can-
24 cer; and

1 (2) provide information useful in biomarker se-
2 lection, drug discovery, and clinical trials design that
3 will enable both—

4 (A) triple negative breast cancer patients
5 to be identified earlier in the progression of
6 their disease; and

7 (B) the development of multiple targeted
8 therapies for the disease.

9 **SEC. 728. PILOT PROGRAM ON PAYMENT FOR TREATMENT**
10 **OF MEMBERS OF THE ARMED FORCES AND**
11 **VETERANS FOR TRAUMATIC BRAIN INJURY**
12 **AND POST-TRAUMATIC STRESS DISORDER.**

13 (a) **PAYMENT PROCESS.**—The Secretary of Defense
14 and the Secretary of Veterans Affairs shall carry out a
15 five-year pilot program under which each such Secretary
16 shall establish a process through which each Secretary
17 shall provide payment for treatments (including diagnostic
18 testing) of traumatic brain injury or post-traumatic stress
19 disorder received by members of the Armed Forces and
20 veterans in health care facilities other than military treat-
21 ment facilities or Department of Veterans Affairs medical
22 facilities. Such process shall provide that payment be
23 made directly to the health care facility furnishing the
24 treatment.

1 (b) CONDITIONS FOR PAYMENT.—The approval by a
2 Secretary for payment for a treatment pursuant to sub-
3 section (a) shall be subject to the following conditions:

4 (1) Any drug or device used in the treatment
5 must be approved or cleared by the Food and Drug
6 Administration for any purpose.

7 (2) The treatment must have been approved by
8 an institutional review board operating in accordance
9 with regulations issued by the Secretary of Health
10 and Human Services.

11 (3) The treatment (including any patient disclo-
12 sure requirements) must be used by the health care
13 provider delivering the treatment.

14 (4) The patient receiving the treatment must
15 demonstrate an improvement as a result of the
16 treatment on one or more of the following:

17 (A) Standardized independent pre-treat-
18 ment and post-treatment neuropsychological
19 testing.

20 (B) Accepted survey instruments.

21 (C) Neurological imaging.

22 (D) Clinical examination.

23 (5) The patient receiving the treatment must be
24 receiving the treatment voluntarily.

1 (6) The patient receiving the treatment may not
2 be a retired member of the uniformed services or of
3 the Armed Forces who is entitled to benefits under
4 part A, or eligible to enroll under part B, of title
5 XVIII of the Social Security Act.

6 (c) **ADDITIONAL RESTRICTIONS PROHIBITED.**—Ex-
7 cept as provided in this subsection (b), no restriction or
8 condition for reimbursement may be placed on any health
9 care provider that is operating lawfully under the laws of
10 the State in which the provider is located with respect to
11 the receipt of payment under this section.

12 (d) **PAYMENT DEADLINE.**—The Secretary of Defense
13 and the Secretary of Veterans Affairs shall make a pay-
14 ment for a treatment pursuant to subsection (a) not later
15 than 30 days after a member of the Armed Forces or vet-
16 eran (or health care provider on behalf of such member
17 or veteran) submits to the Secretary documentation re-
18 garding the treatment. The Secretary of Defense and the
19 Secretary of Veterans Affairs shall ensure that the docu-
20 mentation required under this subsection may not be an
21 undue burden on the member of the Armed Forces or vet-
22 eran or on the health care provider.

23 (e) **PAYMENT AUTHORITY.**—

24 (1) **DEPARTMENT OF DEFENSE.**—The Sec-
25 retary of Defense shall make payments under this

1 section for treatments received by members of the
2 Armed Forces using the authority in subsection
3 (c)(1) of section 1074 of title 10, United States
4 Code.

5 (2) DEPARTMENT OF VETERANS AFFAIRS.—
6 The Secretary of Veterans Affairs shall make pay-
7 ments under this section for treatments received by
8 veterans using the authority in section 1728 of title
9 38, United States Code.

10 (f) PAYMENT AMOUNT.—A payment under this sec-
11 tion shall be made at the equivalent Centers for Medicare
12 and Medicaid Services reimbursement rate in effect for ap-
13 propriate treatment codes for the State or territory in
14 which the treatment is received. If no such rate is in effect,
15 payment shall be made at a fair market rate, as deter-
16 mined by the Secretary of Defense, in consultation with
17 the Secretary of Health and Human Services, with respect
18 to a patient who is a member of the Armed Forces or
19 the Secretary of Veterans Affairs with respect to a patient
20 who is a veteran.

21 (g) DATA COLLECTION AND AVAILABILITY.—

22 (1) IN GENERAL.—The Secretary of Defense
23 and the Secretary of Veterans Affairs shall jointly
24 develop and maintain a database containing data
25 from each patient case involving the use of a treat-

1 ment under this section. The Secretaries shall en-
2 sure that the database preserves confidentiality and
3 be made available only—

4 (A) for third-party payer examination;

5 (B) to the appropriate congressional com-
6 mittees and employees of the Department of
7 Defense, the Department of Veterans Affairs,
8 the Department of Health and Human Services,
9 and appropriate State agencies; and

10 (C) to the primary investigator of the insti-
11 tutional review board that approved the treat-
12 ment, in the case of data relating to a patient
13 case involving the use of such treatment.

14 (2) ENROLLMENT IN INSTITUTIONAL REVIEW
15 BOARD STUDY.—In the case of a patient enrolled in
16 a registered institutional review board study, results
17 may be publically distributable in accordance with
18 the regulations prescribed pursuant to the Health
19 Insurance Portability and Accountability Act of
20 1996 (Public Law 104–191) and other regulations
21 and practices in effect as of the date of the enact-
22 ment of this Act.

23 (3) QUALIFIED INSTITUTIONAL REVIEW
24 BOARDS.—The Secretary of Defense and the Sec-
25 retary of Veterans Affairs shall each ensure that the

1 Internet Web site of their respective departments in-
2 cludes a list of all civilian institutional review board
3 studies that have received a payment under this sec-
4 tion.

5 (h) ASSISTANCE FOR MEMBERS TO OBTAIN TREAT-
6 MENT.—

7 (1) ASSIGNMENT TO TEMPORARY DUTY.—The
8 Secretary of a military department may assign a
9 member of the Armed Forces under the jurisdiction
10 of the Secretary to temporary duty or allow the
11 member a permissive temporary duty in order to
12 permit the member to receive treatment for trau-
13 matic brain injury or post-traumatic stress disorder,
14 for which payments shall be made under subsection
15 (a), at a location beyond reasonable commuting dis-
16 tance of the member's permanent duty station.

17 (2) PAYMENT OF PER DIEM.—A member who is
18 away from the member's permanent station may be
19 paid a per diem in lieu of subsistence in an amount
20 not more than the amount to which the member
21 would be entitled if the member were performing
22 travel in connection with a temporary duty assign-
23 ment.

24 (3) GIFT RULE WAIVER.—Notwithstanding any
25 rule of any department or agency with respect to

1 ethics or the receipt of gifts, any assistance provided
2 to a member of the Armed Forces with a service-
3 connected injury or disability for travel, meals, or
4 entertainment incidental to receiving treatment
5 under this section, or for the provision of such treat-
6 ment, shall not be subject to or covered by any such
7 rule.

8 (i) RETALIATION PROHIBITED.—No retaliation may
9 be made against any member of the Armed Forces or vet-
10 eran who receives treatment as part of registered institu-
11 tional review board study carried out by a civilian health
12 care practitioner.

13 (j) TREATMENT OF UNIVERSITY AND NATIONALLY
14 ACCREDITED INSTITUTIONAL REVIEW BOARDS.—For
15 purposes of this section, a university-affiliated or nation-
16 ally accredited institutional review board shall be treated
17 in the same manner as a Government institutional review
18 board.

19 (k) MEMORANDA OF UNDERSTANDING.—The Sec-
20 retary of Defense and the Secretary of Veterans Affairs
21 shall seek to expeditiously enter into memoranda of under-
22 standings with civilian institutional review boards de-
23 scribed in subsection (j) for the purpose of providing for
24 members of the Armed Forces and veterans to receive
25 treatment carried out by civilian health care practitioners

1 under a treatment approved by and under the oversight
2 of civilian institutional review boards that would qualify
3 for payment under this section.

4 (l) OUTREACH REQUIRED.—

5 (1) OUTREACH TO VETERANS.—The Secretary
6 of Veterans Affairs shall notify each veteran with a
7 service-connected injury or disability of the oppor-
8 tunity to receive treatment pursuant to this section.

9 (2) OUTREACH TO MEMBERS OF THE ARMED
10 FORCES.—The Secretary of Defense shall notify
11 each member of the Armed Forces with a service-
12 connected injury or disability of the opportunity to
13 receive treatment pursuant to this section.

14 (m) REPORT TO CONGRESS.—Not later than 30 days
15 after the last day of each fiscal year during which the Sec-
16 retary of Defense and the Secretary of Veterans Affairs
17 are authorized to make payments under this section, the
18 Secretaries shall jointly submit to Congress an annual re-
19 port on the implementation of this section. Such report
20 shall include each of the following for that fiscal year:

21 (1) The number of individuals for whom the
22 Secretary has provided payments under this section.

23 (2) The condition for which each such indi-
24 vidual receives treatment for which payment is pro-

1 vided under this section and the success rate of each
2 such treatment.

3 (3) Treatment methods that are used by enti-
4 ties receiving payment provided under this section
5 and the respective rate of success of each such meth-
6 od.

7 (4) The recommendations of the Secretaries
8 with respect to the integration of treatment methods
9 for which payment is provided under this section
10 into facilities of the Department of Defense and De-
11 partment of Veterans Affairs.

12 (n) TERMINATION.—The authority to make a pay-
13 ment under this section shall terminate on the date that
14 is five years after the date of the enactment of this Act.

15 (o) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to carry out this section
17 \$10,000,000 for each fiscal year during which the Sec-
18 retary of Veterans Affairs and the Secretary of Defense
19 are authorized to make payments under this section.

20 (p) FUNDING INCREASE AND OFFSETTING REDUC-
21 TION.—

22 (1) IN GENERAL.—Notwithstanding the
23 amounts set forth in the funding tables in division
24 D, to carry out this section during fiscal year
25 2013—

1 (A) the amount authorized to be appro-
2 priated in section 1406 for the Defense Health
3 Program, as specified in the corresponding
4 funding table in division D, is hereby increased
5 by \$10,000,000, with the amount of the in-
6 crease allocated to the Defense Health Pro-
7 gram, as set forth in the table under section
8 4501, to carry out this section; and

9 (B) the amount authorized to be appro-
10 priated in section 301 for Operation and Main-
11 tenance, Defense-wide, as specified in the cor-
12 responding funding table in division D, is here-
13 by reduced by \$10,000,000, with the amount of
14 the reduction to be derived from Line 260, Of-
15 fice of the Secretary of Defense as set forth in
16 the table under section 4301.

17 (2) MERIT-BASED OR COMPETITIVE DECI-
18 SIONS.—A decision to commit, obligate, or expend
19 funds referred to in paragraph (1)(A) with or to a
20 specific entity shall—

21 (A) be based on merit-based selection pro-
22 cedures in accordance with the requirements of
23 sections 2304(k) and 2374 of title 10, United
24 States Code, or on competitive procedures; and

1 (B) comply with other applicable provisions
2 of law.

3 **SEC. 729. CONGRESSIONAL SUPPORT FOR GREATER**
4 **AWARENESS OF POST-TRAUMATIC STRESS**
5 **DISORDER.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) The brave men and women of the United
9 States Armed Forces, who proudly serve the United
10 States, risk their lives to protect the freedom of the
11 United States and deserve the investment of every
12 possible resource to ensure their lasting physical,
13 mental, and emotional well-being.

14 (2) More than 2,400,000 members of the
15 Armed Forces have deployed overseas as part of
16 overseas contingency operations since the events of
17 September 11, 2001.

18 (3) One in five members who have returned
19 from deployment reported symptoms of post-trau-
20 matic stress disorder (PTSD).

21 (4) Just over 1/2 of the members have sought
22 treatment for PTSD symptoms.

23 (5) More than 90,000 members returning from
24 deployment to Operation Enduring Freedom or Op-

1 eration Iraqi Freedom are clinically diagnosed with
2 PTSD.

3 (6) The Armed Forces have sustained an oper-
4 ational tempo for a period of time unprecedented in
5 the history of the United States, with many mem-
6 bers deploying multiple times, placing them at high
7 risk of PTSD.

8 (7) Up to 10 percent of Operation Desert
9 Storm veterans, 30 percent of Vietnam veterans, and
10 8 percent of the general population of the United
11 States suffer or have suffered from PTSD.

12 (8) Many cases of PTSD remain unreported,
13 undiagnosed, and untreated due to a lack of aware-
14 ness about PTSD and the persistent stigma associ-
15 ated with mental health issues.

16 (9) PTSD significantly increases the risk of de-
17 pression, suicide, and drug- and alcohol-related dis-
18 orders and deaths, especially if left untreated.

19 (10) The Departments of Defense and Veterans
20 Affairs have made significant advances in the pre-
21 vention, diagnosis, and treatment of PTSD and the
22 symptoms of PTSD, but many challenges remain.

23 (11) About 1/2 of members and their spouses re-
24 port they are somewhat or not at all knowledgeable
25 about the signs and symptoms of PTSD.

1 (b) CONGRESSIONAL EXPRESSION OF SUPPORT.—In
2 light of the findings made in subsection (a), Congress—

3 (1) supports the efforts of the Secretary of Vet-
4 erans Affairs and the Secretary of Defense to edu-
5 cate service members, veterans, the families of serv-
6 ice members and veterans, and the public about the
7 causes, symptoms, and treatment of post-traumatic
8 stress disorder (PTSD); and

9 (2) supports the creation of an advisory com-
10 mission on PTSD to coordinate the efforts of the
11 Department of Defense, Department of Veterans Af-
12 fairs, and other executive departments and agencies
13 for the prevention, diagnosis, and treatment of
14 PTSD.

1 **TITLE VIII—ACQUISITION POL-**
2 **ICY, ACQUISITION MANAGE-**
3 **MENT, AND RELATED MAT-**
4 **TERS**

5 **Subtitle A—Acquisition Policy and**
6 **Management**

7 **SEC. 801. PILOT EXEMPTION REGARDING TREATMENT OF**
8 **PROCUREMENTS ON BEHALF OF THE DE-**
9 **PARTMENT OF DEFENSE IN ACCORDANCE**
10 **WITH THE DEPARTMENT OF ENERGY'S WORK**
11 **FOR OTHERS PROGRAM.**

12 (a) EXEMPTION FROM INSPECTOR GENERAL RE-
13 VIEWS AND DETERMINATIONS.—Subsection (a) of section
14 801 of the National Defense Authorization Act for Fiscal
15 Year 2008 (Public Law 110–181; 10 U.S.C. 2304 note)
16 is amended by adding at the end the following new para-
17 graph:

18 “(7) TREATMENT OF PROCUREMENTS
19 THROUGH DEPARTMENT OF ENERGY.—For purposes
20 of this subsection, effective during the 24-month pe-
21 riod beginning on the date of the enactment of the
22 National Defense Authorization Act for Fiscal Year
23 2013, the procurement of property or services on be-
24 half of the Department of Defense pursuant to an
25 interagency agreement between the Department of

1 Defense and the Department of Energy in accord-
2 ance with the Department of Energy’s Work For
3 Others Program, under which the property or serv-
4 ices are provided by a management and operating
5 contractor of the Department of Energy and are
6 procured on behalf of the Department of Defense,
7 shall not be considered a procurement of property or
8 services on behalf of the Department of Defense by
9 a covered non-defense agency.”.

10 (b) EXEMPTION FROM CERTAIN CERTIFICATION RE-
11 QUIREMENTS.—Subsection (b) of such section is amend-
12 ed—

13 (1) in paragraph (1), by striking “paragraph
14 (2)” and inserting “paragraphs (2) and (4)”; and

15 (2) by adding at the end the following new
16 paragraph:

17 “(4) EXCEPTION FOR PROCUREMENTS IN AC-
18 CORDANCE WITH THE DEPARTMENT OF ENERGY’S
19 WORK FOR OTHERS PROGRAM.—Effective during the
20 24-month period beginning on the date of the enact-
21 ment of the National Defense Authorization Act for
22 Fiscal Year 2013, the limitation in paragraph (1)
23 shall not apply to the procurement of property or
24 services on behalf of the Department of Defense
25 pursuant to an interagency agreement between the

1 Department of Defense and the Department of En-
2 ergy in accordance with the Department of Energy's
3 Work for Others Program, under which the property
4 or services are provided by a management and oper-
5 ating contractor of the Department of Energy and
6 procured on behalf of the Department of Defense.”.

7 (c) CERTIFICATION.—Not later than 20 months after
8 the date of the enactment of this Act, the Under Secretary
9 of Defense for Acquisition, Technology, and Logistics shall
10 submit to the congressional defense committees the fol-
11 lowing:

12 (1) A statement certifying whether the procure-
13 ment policies, procedures, and internal controls of
14 the Department of Energy provide sufficient protec-
15 tion and oversight for Department of Defense funds
16 expended through the Department of Energy Work
17 for Others Program.

18 (2) A recommendation regarding whether the
19 pilot exemption granted by the amendments made by
20 this section should be extended.

21 **SEC. 802. REQUIREMENTS RELATING TO CONTRACTS FOR**
22 **PURCHASE OF HELICOPTERS FOR AFGHAN**
23 **SECURITY FORCES.**

24 (a) REQUIREMENT FOR COMPETITIVELY BID CON-
25 TRACTS.—Subject to subsection (b), the Secretary of De-

1 fense shall award any contract that will use United States
2 funds for the procurement of helicopters for the Afghan
3 Security Forces using competitive procedures.

4 (b) PROHIBITION ON CONTRACTING WITH CERTAIN
5 ENTITIES.—Notwithstanding subsection (a), the Sec-
6 retary of Defense may not award a contract, directly or
7 indirectly, to any entity controlled, directed, or influenced
8 by—

9 (1) a country that has provided weapons to
10 Syria at any time after the date of the enactment of
11 the Syria Accountability and Lebanese Sovereignty
12 Restoration Act of 2003 (Public Law 108–175); or

13 (2) any country that is currently a state spon-
14 sor of terrorism.

15 (c) STATE SPONSOR OF TERRORISM DEFINED.—In
16 subsection (b), the term “state sponsor of terrorism”
17 means any country the government of which the Secretary
18 of State has determined has repeatedly provided support
19 for acts of international terrorism pursuant to section 6(j)
20 of the Export Administration Act of 1979, section 620A
21 of the Foreign Assistance Act of 1961, or section 40 of
22 the Arms Export Control Act.

23 (d) EFFECTIVE DATE.—The requirement in sub-
24 section (a) shall apply to contracts awarded after the date
25 of the enactment of this Act.

1 (e) NATIONAL SECURITY WAIVER AUTHORITY.—The
2 Secretary of Defense may waive the applicability of this
3 section if the Secretary determines such a waiver is nec-
4 essary in the national security interests of the United
5 States.

6 **SEC. 803. PROHIBITION ON CONTRACTING WITH PERSONS**
7 **THAT HAVE BUSINESS OPERATIONS WITH**
8 **STATE SPONSORS OF TERRORISM.**

9 (a) PROHIBITION.—The Department of Defense may
10 not enter into a contract for the procurement of goods
11 or services with any person that has business operations
12 with a state sponsor of terrorism.

13 (b) DEFINITIONS.—In this section:

14 (1) STATE SPONSOR OF TERRORISM.—The term
15 “state sponsor of terrorism” means any country the
16 government of which the Secretary of State has de-
17 termined has repeatedly provided support for acts of
18 international terrorism pursuant to—

19 (A) section 6(j) of the Export Administra-
20 tion Act of 1979 (50 U.S.C. App. 2405(j)) (as
21 continued in effect pursuant to the Inter-
22 national Emergency Economic Powers Act);

23 (B) section 620A of the Foreign Assistance
24 Act of 1961 (22 U.S.C. 2371); or

1 (C) section 40 of the Arms Export Control
2 Act (22 U.S.C. 2780).

3 (2) BUSINESS OPERATIONS.—The term “busi-
4 ness operations” means engaging in commerce in
5 any form, including acquiring, developing, maintain-
6 ing, owning, selling, possessing, leasing, or operating
7 equipment, facilities, personnel, products, services,
8 personal property, real property, or any other appa-
9 ratus of business or commerce.

10 (3) PERSON.—The term “person” means—

11 (A) a natural person, corporation, com-
12 pany, business association, partnership, society,
13 trust, or any other nongovernmental entity, or-
14 ganization, or group;

15 (B) any governmental entity or instrumen-
16 tality of a government, including a multilateral
17 development institution (as defined in section
18 1701(c)(3) of the International Financial Insti-
19 tutions Act (22 U.S.C. 262r(c)(3))); and

20 (C) any successor, subunit, parent entity,
21 or subsidiary of, or any entity under common
22 ownership or control with, any entity described
23 in subparagraph (A) or (B).

1 **Subtitle B—Amendments to Gen-**
2 **eral Contracting Authorities,**
3 **Procedures, and Limitations**

4 **SEC. 811. MODIFICATION OF TIME PERIOD FOR CONGRES-**
5 **SIONAL NOTIFICATION OF THE LEASE OF**
6 **CERTAIN VESSELS BY THE DEPARTMENT OF**
7 **DEFENSE.**

8 Section 2401(h)(2) of title 10, United States Code,
9 is amended by striking “30 days of continuous session of
10 Congress” and inserting “60 days”.

11 **SEC. 812. EXTENSION OF AUTHORITY FOR USE OF SIM-**
12 **PLIFIED ACQUISITION PROCEDURES FOR**
13 **CERTAIN COMMERCIAL ITEMS.**

14 (a) EXTENSION.—Effective as of January 1, 2012,
15 section 4202 of the Clinger–Cohen Act of 1996 (division
16 D of Public Law 104–106; 110 Stat. 652; 10 U.S.C. 2304
17 note) is amended in subsection (e) by striking “2012” and
18 inserting “2015”.

19 (b) TECHNICAL AMENDMENT TO CROSS REF-
20 ERENCES.—Subsection (e) of such Act is further amended
21 by striking “section 303(g)(1) of the Federal Property and
22 Administrative Services Act of 1949, and section 31(a) of
23 the Office of Federal Procurement Policy Act, as amended
24 by this section,” and inserting “section 3305(a) of title

1 41, United States Code, and section 1901(a) of title 41,
2 United States Code.”.

3 **SEC. 813. CODIFICATION AND AMENDMENT RELATING TO**
4 **LIFE-CYCLE MANAGEMENT AND PRODUCT**
5 **SUPPORT REQUIREMENTS.**

6 (a) CODIFICATION AND AMENDMENT.—

7 (1) IN GENERAL.—Chapter 137 of title 10,
8 United States Code, is amended by adding at the
9 end the following new section:

10 **“§ 2335. Life-cycle management and product support**

11 **“(a) GUIDANCE ON LIFE-CYCLE MANAGEMENT.—**

12 The Secretary of Defense shall issue and maintain com-
13 prehensive guidance on life-cycle management and the de-
14 velopment and implementation of product support strate-
15 gies for major weapon systems. The guidance issued pur-
16 suant to this subsection shall—

17 “(1) maximize competition and make the best
18 possible use of available Department of Defense and
19 industry resources at the system, subsystem, and
20 component levels; and

21 “(2) maximize value to the Department of De-
22 fense by providing the best possible product support
23 outcomes at the lowest operations and support cost.

24 **“(b) PRODUCT SUPPORT MANAGERS.—**

1 “(1) REQUIREMENT.—The Secretary of De-
2 fense shall require that each major weapon system
3 be supported by a product support manager in ac-
4 cordance with this subsection.

5 “(2) RESPONSIBILITIES.—A product support
6 manager for a major weapon system shall—

7 “(A) develop and implement a comprehen-
8 sive product support strategy for the weapon
9 system;

10 “(B) use advanced predictive analysis to
11 the extent practicable to improve material avail-
12 ability and reliability, increase operational avail-
13 ability rates, and reduce operation and
14 sustainment costs;

15 “(C) conduct appropriate cost analyses to
16 validate the product support strategy, including
17 cost-benefit analyses as outlined in Office of
18 Management and Budget Circular A-94;

19 “(D) ensure achievement of desired prod-
20 uct support outcomes through development and
21 implementation of appropriate product support
22 arrangements;

23 “(E) adjust performance requirements and
24 resource allocations across product support in-
25 tegrators and product support providers as nec-

1 essary to optimize implementation of the prod-
2 uct support strategy;

3 “(F) periodically review product support
4 arrangements between the product support inte-
5 grators and product support providers to ensure
6 the arrangements are consistent with the overall
7 product support strategy;

8 “(G) prior to each change in the product
9 support strategy or every five years, whichever
10 occurs first, revalidate any business-case anal-
11 ysis performed in support of the product sup-
12 port strategy; and

13 “(H) ensure that the product support
14 strategy maximizes small business participation
15 at the appropriate tiers and apply the require-
16 ments of section 15(g) of the Small Business
17 Act (15 U.S.C. 644(g)) in a manner that en-
18 sures that small business concerns are not inap-
19 propriately selected for performance as a prime
20 contractor.

21 “(c) DEFINITIONS.—In this section:

22 “(1) PRODUCT SUPPORT.—The term ‘product
23 support’ means the package of support functions re-
24 quired to field and maintain the readiness and oper-
25 ational capability of major weapon systems, sub-

1 systems, and components, including all functions re-
2 lated to weapon system readiness.

3 “(2) PRODUCT SUPPORT ARRANGEMENT.—The
4 term ‘product support arrangement’ means a con-
5 tract, task order, or any type of other contractual
6 arrangement, or any type of agreement or non-con-
7 tractual arrangement within the Federal Govern-
8 ment, for the performance of sustainment or logis-
9 tics support required for major weapon systems,
10 subsystems, or components. The term includes ar-
11 rangements for any of the following:

12 “(A) Performance-based logistics.

13 “(B) Sustainment support.

14 “(C) Contractor logistics support.

15 “(D) Life-cycle product support.

16 “(E) Weapon systems product support.

17 “(3) PRODUCT SUPPORT INTEGRATOR.—The
18 term ‘product support integrator’ means an entity
19 within the Federal Government or outside the Fed-
20 eral Government charged with integrating all sources
21 of product support, both private and public, defined
22 within the scope of a product support arrangement.

23 “(4) PRODUCT SUPPORT PROVIDER.—The term
24 ‘product support provider’ means an entity that pro-
25 vides product support functions. The term includes

1 an entity within the Department of Defense, an enti-
2 ty within the private sector, or a partnership be-
3 tween such entities.

4 “(5) MAJOR WEAPON SYSTEM.—The term
5 ‘major weapon system’ has the meaning given that
6 term in section 2302d of this title.

7 “(6) ADVANCED PREDICTIVE ANALYSIS.—The
8 term ‘advanced predictive analysis’ means a type of
9 analysis that applies advanced predictive modeling
10 methodology to life-cycle management and product
11 support by using event simulation to account for
12 variations in asset demand over time, including
13 events such as current equipment condition, planned
14 usage, aging of parts, maintenance capacity and
15 quality, and logistics response.”.

16 (2) CLERICAL AMENDMENT.—The table of sec-
17 tions at the beginning of chapter 137 of such title
18 is amended by adding at the end the following new
19 item:

“2335. Life-cycle management and product support.”.

20 (b) REPEAL OF SUPERSEDED SECTION.—Section
21 805 of the National Defense Authorization Act for Fiscal
22 Year 2010 (Public Law 111–84; 10 U.S.C. 2302) is re-
23 pealed.

1 **SEC. 814. CODIFICATION OF REQUIREMENT RELATING TO**
2 **GOVERNMENT PERFORMANCE OF CRITICAL**
3 **ACQUISITION FUNCTIONS.**

4 (a) CODIFICATION.—

5 (1) IN GENERAL.—Subchapter I of chapter 87
6 of title 10, United States Code, is amended by add-
7 ing at the end the following new section:

8 **“§ 1706. Government performance of certain acquisi-**
9 **tion functions**

10 “(a) GOAL.—It shall be the goal of the Department
11 of Defense and each of the military departments to ensure
12 that, for each major defense acquisition program and each
13 major automated information system program, each of the
14 following positions is performed by a properly qualified
15 member of the armed forces or full-time employee of the
16 Department of Defense:

17 “(1) Program manager.

18 “(2) Deputy program manager.

19 “(3) Product support manager.

20 “(4) Chief engineer.

21 “(5) Systems engineer.

22 “(6) Chief developmental tester.

23 “(7) Cost estimator.

24 “(b) PLAN OF ACTION.—The Secretary of Defense
25 shall develop and implement a plan of action for recruit-
26 ing, training, and ensuring appropriate career develop-

1 ment of military and civilian personnel to achieve the ob-
2 jective established in subsection (a).

3 “(c) DEFINITIONS.—In this section:

4 “(1) The term ‘major defense acquisition pro-
5 gram’ has the meaning given such term in section
6 2430(a) of this title.

7 “(2) The term ‘major automated information
8 system program’ has the meaning given such term
9 in section 2445a(a) of this title.”.

10 (2) CLERICAL AMENDMENT.—The table of sec-
11 tions at the beginning of such subchapter is amend-
12 ed by adding at the end the following new item:

“1706. Government performance of certain acquisition functions.”.

13 (b) REPEAL OF SUPERSEDED SECTION.—Section
14 820 of the John Warner National Defense Authorization
15 Act for Fiscal Year 2007 (Public Law 109–364; 10 U.S.C.
16 1701 note) is repealed.

17 **SEC. 815. LIMITATION ON FUNDING PENDING CERTIFI-**
18 **CATION OF IMPLEMENTATION OF REQUIRE-**
19 **MENTS FOR COMPETITION.**

20 (a) LIMITATION ON FUNDING FOR CERTAIN OF-
21 FICES.—Of the funds authorized to be appropriated for
22 fiscal year 2013 as specified in the funding table in section
23 4301, not more than 80 percent of the funds authorized
24 for the Office of the Secretary of Defense may be obligated

1 or expended until the certification described in subsection
2 (b) is submitted.

3 (b) CERTIFICATION REQUIRED.—The Secretary of
4 Defense shall certify to the congressional defense commit-
5 tees that the Department of Defense is implementing the
6 requirements of section 202(d) of the Weapon Systems
7 Acquisition Reform Act of 2009 (Public Law 111–23; 10
8 U.S.C. 2430 note). Such a certification shall be accom-
9 panied by—

10 (1) a briefing to the congressional defense com-
11 mittees on processes and procedures that have been
12 implemented across the military departments and
13 Defense Agencies to maximize competition through-
14 out the life-cycle of major defense acquisition pro-
15 grams, including actions to award contracts for per-
16 formance of maintenance and sustainment of major
17 weapon systems or subsystems and components of
18 such systems; and

19 (2) a representative sample of solicitations
20 issued since May 22, 2009, intended to fulfill the ob-
21 jectives of such section 202(d).

1 **SEC. 816. CONTRACTOR RESPONSIBILITIES IN REGULA-**
2 **TIONS RELATING TO DETECTION AND AVOID-**
3 **ANCE OF COUNTERFEIT ELECTRONIC PARTS.**

4 Section 818(e)(2)(B) of the National Defense Au-
5 thorization Act for Fiscal Year 2012 (Public Law 112-
6 81; 125 Stat. 1493; 10 U.S.C. 2302 note) is amended to
7 read as follows:

8 “(B) the cost of counterfeit electronic
9 parts and suspect counterfeit electronic parts
10 and the cost of rework or corrective action that
11 may be required to remedy the use or inclusion
12 of such parts are not allowable costs under De-
13 partment contracts, unless—

14 “(i) the covered contractor has an
15 operational system to detect and avoid
16 counterfeit parts and suspect counterfeit
17 electronic parts that has been reviewed and
18 approved by the Department of Defense
19 pursuant to subsection (e)(2)(B);

20 “(ii) the counterfeit electronic parts or
21 suspect counterfeit electronic parts were—

22 “(I) procured from a trusted sup-
23 plier in accordance with regulations
24 described in paragraph (3); or

25 “(II) provided to the contractor
26 as Government property in accordance

1 with part 45 of the Federal Acquisi-
2 tion Regulation; and

3 “(iii) the covered contractor provides
4 timely notice to the Government pursuant
5 to paragraph (4).”.

6 **SEC. 817. ADDITIONAL DEFINITION RELATING TO PRODUC-**
7 **TION OF SPECIALTY METALS WITHIN THE**
8 **UNITED STATES.**

9 Section 2533b(m) of title 10, United States Code, is
10 amended by adding at the end the following new para-
11 graph:

12 “(11) The term ‘produced’, as used in sub-
13 sections (a) and (b), means melted, or processed in
14 a manner that results in physical or chemical prop-
15 erty changes that are the equivalent of melting. The
16 term does not include finishing processes such as
17 rolling, heat treatment, quenching, tempering, grind-
18 ing, or shaving.”.

19 **SEC. 818. ASSESSMENT AND REPORT RELATING TO INFRA-**
20 **RED TECHNOLOGY SECTORS.**

21 (a) ASSESSMENT.—The Secretary of Defense, in con-
22 junction with the sector-by-sector, tier-by-tier review con-
23 ducted by the Deputy Assistant Secretary of Defense for
24 Manufacturing and Industrial Base Policy, shall conduct
25 an assessment of the health and status of various national

1 defense infrared technology sectors, including technology
2 such as focal plane arrays sensitive to infrared wave-
3 lengths, read-out integrate circuits, cryogenic coolers,
4 Dewar technology, infrared sensor engine assemblies, and
5 infrared imaging systems.

6 (b) REPORT.—The Secretary of Defense shall submit
7 to the congressional defense committees a report on the
8 findings of the assessment within 90 days after the date
9 of the enactment of this Act.

10 **SEC. 819. COMPLIANCE WITH BERRY AMENDMENT RE-**
11 **QUIRED FOR UNIFORM COMPONENTS SUP-**
12 **PLIED TO AFGHAN MILITARY OR AFGHAN NA-**
13 **TIONAL POLICE.**

14 (a) REQUIREMENT.—In the case of any textile com-
15 ponents supplied by the Department of Defense to the Af-
16 ghan National Army or the Afghan National Police for
17 purposes of production of uniforms, section 2533a of title
18 10, United States Code, shall apply, and no exceptions or
19 exemptions under that section shall apply.

20 (b) EFFECTIVE DATE.—This section shall apply to
21 solicitations issued and contracts awarded for the procure-
22 ment of such components after the date of the enactment
23 of this Act.

1 **Subtitle C—Provisions Relating to**
2 **Contracts in Support of Contin-**
3 **gency Operations in Iraq or Af-**
4 **ghanistan**

5 **SEC. 821. EXTENSION AND EXPANSION OF AUTHORITY TO**
6 **ACQUIRE PRODUCTS AND SERVICES PRO-**
7 **DUCED IN COUNTRIES ALONG A MAJOR**
8 **ROUTE OF SUPPLY TO AFGHANISTAN.**

9 (a) **EXTENSION OF TERMINATION DATE.**—Sub-
10 section (f) of section 801 of the National Defense Author-
11 ization Act for Fiscal Year 2010 (Public Law 111–84; 123
12 Stat. 2399) is amended by striking “on or after the date
13 occurring three years after the date of the enactment of
14 this Act” and inserting “after December 31, 2014”.

15 (b) **EXPANSION OF AUTHORITY TO COVER FORCES**
16 **OF THE UNITED STATES AND COALITION FORCES.**—Sub-
17 section (b)(1) of such section is amended—

18 (1) in subparagraph (B), by striking “or” at
19 the end;

20 (2) in subparagraph (C), by adding “or” at the
21 end; and

22 (3) by adding at the end the following:

23 “(D) by the United States or coalition
24 forces in Afghanistan if the product or service
25 is from a country that has agreed to allow the

1 transport of coalition personnel, equipment, and
2 supplies;”.

3 (c) LIMITATION.—Such section is amended—

4 (1) by redesignating subsections (d), (e), (f),
5 and (g) as subsections (e), (f), (g), and (h), respec-
6 tively; and

7 (2) by inserting after subsection (c) the fol-
8 lowing:

9 “(d) LIMITATION.—The Secretary may not use the
10 authority provided in subsection (a) to procure goods or
11 services from Pakistan until such time as the Government
12 of Pakistan agrees to re-open the Ground Lines of Com-
13 munication for the movement of United States equipment
14 and supplies through Pakistan.”.

15 (d) REPEAL OF EXPIRED REPORT REQUIREMENT.—
16 Subsection (h) of such section, as redesignated by sub-
17 section (c) of this section, is repealed.

18 (e) CLERICAL AMENDMENT.—The heading of such
19 section is amended by striking “; **REPORT**”.

20 **SEC. 822. LIMITATION ON AUTHORITY TO ACQUIRE PROD-**
21 **UCTS AND SERVICES PRODUCED IN AFGHANI-**
22 **STAN.**

23 Section 886 of the National Defense Authorization
24 Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
25 266; 10 U.S.C. 2302 note) is amended—

1 (1) in the section heading, by striking “**IRAQ**
2 **AND**”;

3 (2) by striking “Iraq or” each place it appears;
4 and

5 (3) in subsection (b)—

6 (A) by inserting “(A)” after “(1)”;

7 (B) in paragraph (2)—

8 (i) by redesignating clauses (i) and

9 (ii) of subparagraph (B) as subclauses (I)

10 and (II), respectively, and in subclause

11 (II), as so redesignated, by striking the pe-

12 riod at the end and inserting “; and”;

13 (ii) by redesignating subparagraphs

14 (A) and (B) as clauses (i) and (ii), respec-

15 tively; and

16 (iii) by striking “(2)” and inserting

17 “(B)”;

18 (C) by adding at the end the following new

19 paragraph (2):

20 “(2) the Government of Afghanistan is not tax-

21 ing assistance provided by the United States to Af-

22 ghanistan in violation of any bilateral or other

23 agreement with the United States.”.

1 **Subtitle D—Other Matters**

2 **SEC. 831. ENHANCEMENT OF REVIEW OF ACQUISITION**
3 **PROCESS FOR RAPID FIELDING OF CAPABILI-**
4 **TIES IN RESPONSE TO URGENT OPER-**
5 **ATIONAL NEEDS.**

6 Section 804(b)(3) of the Ike Skelton National De-
7 fense Authorization Act for Fiscal Year 2011 (Public Law
8 111–383; 124 Stat. 4256; 10 U.S.C. 2302 note) is amend-
9 ed—

10 (1) by inserting “and” at the end of subpara-
11 graph (B);

12 (2) by striking “; and” at the end of subpara-
13 graph (C) and inserting a period; and

14 (3) by striking subparagraph (D).

15 **SEC. 832. LOCATION OF CONTRACTOR-OPERATED CALL**
16 **CENTERS IN THE UNITED STATES.**

17 The Secretary of Defense shall ensure that any call
18 center operated pursuant to a contract entered into by the
19 Secretary or by the head of any of the military depart-
20 ments is located in the United States.

1 **SEC. 833. CONSIDERATION AND VERIFICATION OF INFOR-**
2 **MATION RELATING TO EFFECT ON DOMESTIC**
3 **EMPLOYMENT OF AWARD OF DEFENSE CON-**
4 **TRACTS.**

5 (a) IN GENERAL.—Section 2305(a) of title 10,
6 United States Code, is amended by adding at the end the
7 following new paragraph:

8 “(6)(A) The head of an agency, in issuing a so-
9 licitation for competitive proposals, shall state in the
10 solicitation that the agency may consider informa-
11 tion (in this paragraph referred to as a ‘jobs impact
12 statement’) that the offeror may include in its offer
13 related to the effects on employment within the
14 United States of the contract if it is awarded to the
15 offeror.

16 “(B) The information that may be included in
17 a jobs impact statement may include the following:

18 “(i) The number of jobs expected to be
19 created in the United States, or the number of
20 jobs retained that otherwise would be lost, if
21 the contract is awarded to the offeror.

22 “(ii) The number of jobs created or re-
23 tained in the United States by the subcontract-
24 tors expected to be used by the offeror in the
25 performance of the contract.

1 “(iii) A guarantee from the offeror that
2 jobs created or retained in the United States
3 will not be moved outside the United States
4 after award of the contract.

5 “(C) The contracting officer may consider the
6 information in the jobs impact statement in the eval-
7 uation of the offer.

8 “(D) The agency may request further informa-
9 tion from the offeror in order to verify the accuracy
10 of the information in the jobs impact statement.

11 “(E) In the case of a contract awarded to an
12 offeror that submitted a jobs impact statement with
13 the offer for the contract, the agency shall, not later
14 than six months after the award of the contract and
15 annually thereafter for the duration of the contract
16 or contract extension, assess the accuracy of the jobs
17 impact statement.

18 “(F) The Secretary of Defense shall submit to
19 Congress an annual report on the frequency of use
20 within the Department of Defense of jobs impact
21 statements in the evaluation of competitive pro-
22 posals.”.

23 (b) REVISION OF FEDERAL ACQUISITION REGULA-
24 TION.—The Federal Acquisition Regulation shall be re-
25 vised to implement the amendment made by this section.

1 **SEC. 834. ENERGY SAVINGS PERFORMANCE CONTRACT RE-**
2 **PORT.**

3 Not later than June 30, 2013, the Secretary of the
4 Army, the Secretary of the Navy, and the Secretary of
5 the Air Force shall each submit to the congressional de-
6 fense committees a report on the use of energy savings
7 performance contracts by the Department of the Army,
8 the Department of the Navy, and the Department of the
9 Air Force, respectively, including each of the following:

10 (1) The amount of appropriated funds that
11 have been obligated or expended and that are ex-
12 pected to be obligated or expended for energy sav-
13 ings performance contracts.

14 (2) The amount of such funds that have been
15 used for comprehensive retrofits.

16 (3) The amount of such funds that have been
17 used to leverage private sector capital, including the
18 amount of such capital.

19 **SEC. 835. REQUIREMENT TO INCLUDE TRAFFICKING IN**
20 **PERSONS IN PERFORMANCE ASSESSMENTS**
21 **OF DEFENSE CONTRACTORS.**

22 (a) **PERFORMANCE ASSESSMENTS TO INCLUDE**
23 **EVALUATION OF TRAFFICKING IN PERSONS.**—With re-
24 spect to any performance assessment of a defense con-
25 tractor or subcontractor of such a contractor, or any labor
26 recruiter, broker, or other agent used by the contractor

1 or subcontractor, the Secretary of Defense shall include
2 an evaluation of trafficking in persons.

3 (b) **TRAFFICKING IN PERSONS DEFINED.**—In this
4 section, the term “trafficking in persons” has the meaning
5 provided the term “severe form of trafficking in persons”
6 in section 103 of the Trafficking Victims Protection Act
7 of 2000 (22 U.S.C. 7102).

8 **TITLE IX—DEPARTMENT OF DE-**
9 **FENSE ORGANIZATION AND**
10 **MANAGEMENT**

11 **Subtitle A—Department of Defense**
12 **Management**

13 **SEC. 901. ADDITIONAL DUTIES OF DEPUTY ASSISTANT SEC-**
14 **RETARY OF DEFENSE FOR MANUFACTURING**
15 **AND INDUSTRIAL BASE POLICY AND AMEND-**
16 **MENTS TO STRATEGIC MATERIALS PROTEC-**
17 **TION BOARD.**

18 (a) **FINDINGS.**—Congress finds the following:

19 (1) The Defense Logistics Agency has made lit-
20 tle progress in addressing the findings and rec-
21 ommendations from the April 2009 report of the De-
22 partment of Defense report titled “Reconfiguration
23 of the National Defense Stockpile Report to Con-
24 gress”.

1 (2) The office of the Deputy Assistant Sec-
2 retary of Defense for Manufacturing and Industrial
3 Base Policy has historically analyzed the United
4 States defense industrial base from the point of view
5 of prime contractors and original equipment manu-
6 facturers and has provided insufficient attention to
7 producers of materials critical to national security,
8 including raw materials producers.

9 (3) Responsibility for the secure supply of ma-
10 terials critical to national security, which supports
11 the defense industrial base, is decentralized through-
12 out the Department of Defense.

13 (4) The office of the Deputy Assistant Sec-
14 retary of Defense for Manufacturing and Industrial
15 Base Policy should expand its focus to consider both
16 a top-down view of the supply chain, beginning with
17 prime contractors, and a bottom-up view that begins
18 with raw materials suppliers.

19 (5) To enable this focus and support a more co-
20 herent, comprehensive strategy as it pertains to ma-
21 terials critical to national security, the office of the
22 Deputy Assistant Secretary of Defense for Manufac-
23 turing and Industrial Base Policy should develop
24 policy, conduct oversight, and monitor resource allo-
25 cation for agencies of the Department of Defense,

1 including the Defense Logistics Agency, for all ac-
2 tivities that pertain to ensuring a secure supply of
3 materials critical to national security.

4 (6) The Strategic Materials Protection Board
5 should be reconfigured so as to be chaired by the
6 Deputy Assistant Secretary of Defense for Manufac-
7 turing and Industrial Base Policy and should fully
8 execute its duties and responsibilities.

9 (b) APPOINTMENT OF DEPUTY ASSISTANT SEC-
10 RETARY.—Section 139c(a) of title 10, United States Code,
11 is amended by striking “appointed by” and all that follows
12 through the end of the subsection and inserting “ap-
13 pointed by the Secretary of Defense.”.

14 (c) RESPONSIBILITIES OF DEPUTY ASSISTANT SEC-
15 RETARY.—Section 139c(b) of such title is amended—

16 (1) by striking paragraphs (1) through (4) and
17 inserting the following:

18 “(1) Providing input to strategy reviews, in-
19 cluding quadrennial defense reviews conducted pur-
20 suant to section 118 of this title, on matters related
21 to—

22 “(A) the defense industrial base; and

23 “(B) materials critical to national security.

24 “(2) Establishing policies of the Department of
25 Defense for developing and maintaining the defense

1 industrial base of the United States and ensuring a
2 secure supply of materials critical to national secu-
3 rity.

4 “(3) Providing recommendations to the Under
5 Secretary on budget matters pertaining to the indus-
6 trial base, the supply chain, and the development
7 and retention of skills necessary to support the in-
8 dustrial base.

9 “(4) Providing recommendations and acquisi-
10 tion policy guidance to the Under Secretary on sup-
11 ply chain management and supply chain vulner-
12 ability throughout the entire supply chain, from sup-
13 pliers of raw materials to producers of major end
14 items.”.

15 (2) by striking paragraph (5) and redesignating
16 paragraphs (6), (7), (8), (9), and (10) as para-
17 graphs (5), (6), (7), (8), and (9), respectively;

18 (3) by inserting after paragraph (9), as so re-
19 designated, the following new paragraph (10):

20 “(10) Providing policy and oversight of matters
21 related to materials critical to national security to
22 ensure a secure supply of such materials to the De-
23 partment of Defense.”.

24 (4) by redesignating paragraph (15) as para-
25 graph (18); and

1 (5) by inserting after paragraph (14) the fol-
2 lowing new paragraphs:

3 “(15) Coordinating with the Director of Small
4 Business Programs on all matters related to indus-
5 trial base policy of the Department of Defense.

6 “(16) Ensuring reliable sources of materials
7 critical to national security, such as specialty metals,
8 armor plate, and rare earth elements.

9 “(17) Establishing policies of the Department
10 of Defense for continued reliable resource availability
11 from domestic sources and allied nations for the in-
12 dustrial base of the United States.”.

13 (d) MATERIALS CRITICAL TO NATIONAL SECURITY
14 DEFINED.—Section 139c of such title is further amended
15 by adding at the end the following new subsection:

16 “(d) MATERIALS CRITICAL TO NATIONAL SECURITY
17 DEFINED.—In this section, the term ‘materials critical to
18 national security’ has the meaning given that term in sec-
19 tion 187(e)(1) of this title.”.

20 (e) AMENDMENTS TO STRATEGIC MATERIALS PRO-
21 TECTION BOARD.—

22 (1) MEMBERSHIP.—Paragraph (2) of section
23 187(a) of such title is amended to read as follows:

24 “(2) The Board shall be composed of the following:

1 “(A) The Deputy Assistant Secretary of De-
2 fense for Manufacturing and Industrial Base Policy,
3 who shall be the chairman of the Board.

4 “(B) The Administrator of the Defense Logis-
5 tics Agency Strategic Materials, or any successor or-
6 ganization, who shall be the vice chairman of the
7 Board.

8 “(C) A designee of the Assistant Secretary of
9 the Army for Acquisition, Logistics, and Technology.

10 “(D) A designee of the Assistant Secretary of
11 the Navy for Research, Development, and Acquisi-
12 tion.

13 “(E) A designee of the Assistant Secretary of
14 the Air Force for Acquisition.”.

15 (2) DUTIES.—Paragraphs (3) and (4) of sec-
16 tion 187(b) of such title are each amended by strik-
17 ing “President” and inserting “Secretary”.

18 (3) MEETINGS.—Section 187(c) of such title is
19 amended by striking “Secretary of Defense” and in-
20 serting “Deputy Assistant Secretary of Defense for
21 Manufacturing and Industrial Base Policy”.

22 (4) REPORTS.—Section 187(d) of such title is
23 amended to read as follows:

24 “(d) REPORTS.—(1) After each meeting of the
25 Board, the Board shall prepare a report containing the

1 results of the meeting and such recommendations as the
2 Board determines appropriate. The Secretary of each mili-
3 tary department shall review and comment on the report.

4 “(2) Each such report shall be published in the Fed-
5 eral Register and subsequently submitted to the congres-
6 sional defense committees, together with public comments
7 and comments and recommendations from the Secretary
8 of Defense, not later than 90 days after the meeting cov-
9 ered by the report.”.

10 **SEC. 902. REQUIREMENT FOR FOCUS ON URGENT OPER-**
11 **ATIONAL NEEDS AND RAPID ACQUISITION.**

12 (a) DESIGNATION OF SENIOR OFFICIAL RESPON-
13 SIBLE FOR FOCUS ON URGENT OPERATIONAL NEEDS
14 AND RAPID ACQUISITION.—

15 (1) IN GENERAL.—The Secretary of Defense,
16 after consultation with the Secretaries of the mili-
17 tary departments, shall designate a senior official in
18 the Office of the Secretary of Defense as the prin-
19 cipal official of the Department of Defense respon-
20 sible for leading the Department’s actions on urgent
21 operational needs and rapid acquisition, in accord-
22 ance with this section.

23 (2) STAFF AND RESOURCES.—The Secretary
24 shall assign to the senior official designated under
25 paragraph (1) appropriate staff and resources nec-

1 essary to carry out the official’s functions under this
2 section.

3 (b) RESPONSIBILITIES.—The senior official des-
4 ignated under subsection (a) shall be responsible for the
5 following:

6 (1) Acting as an advocate within the Depart-
7 ment of Defense for issues related to the Depart-
8 ment’s ability to rapidly respond to urgent oper-
9 ational needs, including programs funded and car-
10 ried out by the military departments.

11 (2) Improving visibility of urgent operational
12 needs throughout the Department, including across
13 the military departments, the Defense Agencies, and
14 all other entities and processes in the Department
15 that address urgent operational needs.

16 (3) Ensuring that tools and mechanisms are
17 used to track, monitor, and manage the status of ur-
18 gent operational needs within the Department, from
19 validation through procurement and fielding, includ-
20 ing a formal feedback mechanism for the armed
21 forces to provide information on how well fielded so-
22 lutions are meeting urgent operational needs.

23 (c) URGENT OPERATIONAL NEEDS DEFINED.—In
24 this section, the term “urgent operational needs” means
25 capabilities that are determined by the Secretary of De-

1 fense, pursuant to the review process required by section
2 804(b) of the Ike Skelton National Defense Authorization
3 Act for Fiscal Year 2011 (10 U.S.C. 2302 note), to be
4 suitable for rapid fielding in response to urgent oper-
5 ational needs.

6 **SEC. 903. DESIGNATION OF DEPARTMENT OF DEFENSE**
7 **SENIOR OFFICIAL FOR ENTERPRISE RE-**
8 **SOURCE PLANNING SYSTEM DATA CONVER-**
9 **SION.**

10 Not later than 90 days after the date of the enact-
11 ment of this Act, the Secretary of Defense shall—

12 (1) designate a senior official of the Depart-
13 ment of Defense as the official with principal re-
14 sponsibility for coordination and management over-
15 sight of data conversion for all enterprise resource
16 planning systems of the Department; and

17 (2) set forth the responsibilities of that senior
18 official with respect to such data conversion.

19 **SEC. 904. ADDITIONAL RESPONSIBILITIES AND RESOURCES**
20 **FOR DEPUTY ASSISTANT SECRETARY OF DE-**
21 **FENSE FOR DEVELOPMENTAL TEST AND**
22 **EVALUATION.**

23 (a) SUPERVISION.—Section 139b(a)(3) of title 10,
24 United States Code, is amended by striking “to the Under
25 Secretary” before the period and inserting “directly to the

1 Under Secretary, without the interposition of any other
2 supervising official”.

3 (b) CONCURRENT SERVICE.—Section 139b(a)(7) of
4 such title is amended by striking “may” and inserting
5 “shall”.

6 (c) RESOURCES.—Section 139b(a) of such title is
7 amended by adding at the end the following new para-
8 graph:

9 “(8) RESOURCES.—

10 “(A) The President shall include in the
11 budget transmitted to Congress, pursuant to
12 section 1105 of title 31, for each fiscal year, a
13 separate statement of estimated expenditures
14 and proposed appropriations for the fiscal year
15 for the activities of the Deputy Assistant Sec-
16 retary of Defense for Developmental Test and
17 Evaluation in carrying out the duties and re-
18 sponsibilities of the Deputy Assistant Secretary
19 under this section.

20 “(B) The Deputy Assistant Secretary of
21 Defense for Developmental Test and Evaluation
22 shall have sufficient professional staff of mili-
23 tary and civilian personnel to enable the Deputy
24 Assistant Secretary to carry out the duties and
25 responsibilities prescribed by law. The resources

1 for the Deputy Assistant Secretary shall be
2 comparable to the resources, including Senior
3 Executive Service positions, other civilian posi-
4 tions, and military positions, available to the
5 Director of Operational Test and Evaluation.”.

6 (d) ANNUAL REPORT.—Section 139b(d) of such title
7 is amended—

8 (1) in the subsection heading, by striking
9 “JOINT”;

10 (2) by redesignating paragraphs (1), (2), (3),
11 and (4) as subparagraphs (A), (B), (C), and (D), re-
12 spectively;

13 (3) by inserting “(1)” before “Not later than
14 March 31”;

15 (4) in the matter appearing before subpara-
16 graph (A), as so redesignated, by striking “jointly”
17 and inserting “each”; and

18 (5) by adding at the end the following new
19 paragraph:

20 “(2) With respect to the report required under para-
21 graph (1) by the Deputy Assistant Secretary of Defense
22 for Developmental Test and Evaluation—

23 “(A) the report shall include a separate section
24 that covers the activities of the Department of De-
25 fense Test Resource Management Center (estab-

1 lished under section 196 of this title) during the pre-
2 ceding year; and

3 “(B) the report shall be transmitted to the
4 Under Secretary of Defense for Acquisition, Tech-
5 nology, and Logistics at the same time it is sub-
6 mitted to the congressional defense committees.”.

7 **SEC. 905. REDESIGNATION OF THE DEPARTMENT OF THE**
8 **NAVY AS THE DEPARTMENT OF THE NAVY**
9 **AND MARINE CORPS.**

10 (a) REDESIGNATION OF THE DEPARTMENT OF THE
11 NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE
12 CORPS.—

13 (1) REDESIGNATION OF MILITARY DEPART-
14 MENT.—The military department designated as the
15 Department of the Navy is redesignated as the De-
16 partment of the Navy and Marine Corps.

17 (2) REDESIGNATION OF SECRETARY AND
18 OTHER STATUTORY OFFICES.—

19 (A) SECRETARY.—The position of the Sec-
20 retary of the Navy is redesignated as the Sec-
21 retary of the Navy and Marine Corps.

22 (B) OTHER STATUTORY OFFICES.—The
23 positions of the Under Secretary of the Navy,
24 the four Assistant Secretaries of the Navy, and
25 the General Counsel of the Department of the

1 Navy are redesignated as the Under Secretary
2 of the Navy and Marine Corps, the Assistant
3 Secretaries of the Navy and Marine Corps, and
4 the General Counsel of the Department of the
5 Navy and Marine Corps, respectively.

6 (b) CONFORMING AMENDMENTS TO TITLE 10,
7 UNITED STATES CODE.—

8 (1) DEFINITION OF “MILITARY DEPART-
9 MENT”.—Paragraph (8) of section 101(a) of title
10 10, United States Code, is amended to read as fol-
11 lows:

12 “(8) The term ‘military department’ means the
13 Department of the Army, the Department of the
14 Navy and Marine Corps, and the Department of the
15 Air Force.”.

16 (2) ORGANIZATION OF DEPARTMENT.—The text
17 of section 5011 of such title is amended to read as
18 follows: “The Department of the Navy and Marine
19 Corps is separately organized under the Secretary of
20 the Navy and Marine Corps.”.

21 (3) POSITION OF SECRETARY.—Section
22 5013(a)(1) of such title is amended by striking
23 “There is a Secretary of the Navy” and inserting
24 “There is a Secretary of the Navy and Marine
25 Corps”.

1 (4) CHAPTER HEADINGS.—

2 (A) The heading of chapter 503 of such
3 title is amended to read as follows:

4 **“CHAPTER 503—DEPARTMENT OF THE**
5 **NAVY AND MARINE CORPS”.**

6 (B) The heading of chapter 507 of such
7 title is amended to read as follows:

8 **“CHAPTER 507—COMPOSITION OF THE DE-**
9 **PARTMENT OF THE NAVY AND MARINE**
10 **CORPS”.**

11 (5) OTHER AMENDMENTS.—

12 (A) Title 10, United States Code, is
13 amended by striking “Department of the Navy”
14 and “Secretary of the Navy” each place they
15 appear other than as specified in paragraphs
16 (1), (2), (3), and (4) (including in section head-
17 ings, subsection captions, tables of chapters,
18 and tables of sections) and inserting “Depart-
19 ment of the Navy and Marine Corps” and “Sec-
20 retary of the Navy and Marine Corps”, respec-
21 tively, in each case with the matter inserted to
22 be in the same typeface and typestyle as the
23 matter stricken.

24 (B)(i) Sections 5013(f), 5014(b)(2),
25 5016(a), 5017(2), 5032(a), and 5042(a) of

1 such title are amended by striking “Assistant
2 Secretaries of the Navy” and inserting “Assist-
3 ant Secretaries of the Navy and Marine Corps”.

4 (ii) The heading of section 5016 of such
5 title, and the item relating to such section in
6 the table of sections at the beginning of chapter
7 503 of such title, are each amended by insert-
8 ing “and Marine Corps” after “of the Navy”,
9 with the matter inserted in each case to be in
10 the same typeface and typestyle as the matter
11 amended.

12 (c) OTHER PROVISIONS OF LAW AND OTHER REF-
13 ERENCES.—

14 (1) TITLE 37, UNITED STATES CODE.—Title 37,
15 United States Code, is amended by striking “De-
16 partment of the Navy” and “Secretary of the Navy”
17 each place they appear and inserting “Department
18 of the Navy and Marine Corps” and “Secretary of
19 the Navy and Marine Corps”, respectively.

20 (2) OTHER REFERENCES.—Any reference in
21 any law other than in title 10 or title 37, United
22 States Code, or in any regulation, document, record,
23 or other paper of the United States, to the Depart-
24 ment of the Navy shall be considered to be a ref-
25 erence to the Department of the Navy and Marine

1 Corps. Any such reference to an office specified in
2 subsection (a)(2) shall be considered to be a ref-
3 erence to that office as redesignated by that section.

4 (d) EFFECTIVE DATE.—This section and the amend-
5 ments made by this section shall take effect on the first
6 day of the first month beginning more than 60 days after
7 the date of the enactment of this Act.

8 **Subtitle B—Space Activities**

9 **SEC. 911. ANNUAL ASSESSMENT OF THE SYNCHRONI-** 10 **ZATION OF SEGMENTS IN SPACE PROGRAMS** 11 **THAT ARE MAJOR DEFENSE ACQUISITION** 12 **PROGRAMS.**

13 (a) ANNUAL ASSESSMENT.—Not later than 180 days
14 after the date of the enactment of this Act, and annually
15 thereafter for five years, the Under Secretary of Defense
16 for Acquisition, Technology, and Logistics shall annually
17 submit to the congressional defense committees an assess-
18 ment of the synchronization of the operability of the pro-
19 gram segments of each space program that is a major de-
20 fense acquisition program.

21 (b) CONTENTS.—Each assessment required under
22 subsection (a) shall include—

23 (1) a description of the intended primary capa-
24 bilities of each space program that is a major de-
25 fense acquisition program and the level of operability

1 of each program segment of such space program at
2 the time of such assessment;

3 (2) a schedule for the deployment of such in-
4 tended primary capabilities of such space program in
5 each such program segment and in such space pro-
6 gram as a whole;

7 (3) for each such space program for which a
8 primary capability of such program will be operable
9 by one program segment at least one year after the
10 date on which such capability is operable by another
11 program segment—

12 (A) an explanation of the reasons that
13 such primary capability will be operable by one
14 program segment at least one year after the
15 date such capability is operable by another pro-
16 gram segment; and

17 (B) an identification of the steps the De-
18 partment is taking to improve the alignment of
19 when the program segments become operable
20 and the related challenges, costs, and risks; and

21 (4) a description of the impact on the mission
22 of such space program caused by such primary capa-
23 bility being operable by one program segment at
24 least one year after the date such capability is oper-
25 able by another program segment.

1 (c) DEFINITIONS.—In this section:

2 (1) MAJOR DEFENSE ACQUISITION PROGRAM
3 DEFINED.—The term “major defense acquisition
4 program” has the meaning given the term in section
5 2430 of title 10, United States Code.

6 (2) PROGRAM SEGMENT.—The term “program
7 segment” means, with respect to a space program
8 that is a major defense acquisition program, the fol-
9 lowing segments:

10 (A) The portion of such program that is
11 satellite-based.

12 (B) The portion of such program that is
13 ground-based.

14 (C) The portion of such program that is
15 operated by the end-user.

16 **SEC. 912. REPORT ON OVERHEAD PERSISTENT INFRARED**
17 **TECHNOLOGY.**

18 (a) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that—

20 (1) there are significant investments in over-
21 head persistent infrared technology that span mul-
22 tiple agencies and support a variety of missions, in-
23 cluding missile warning, missile defense, battle space
24 awareness, and technical intelligence; and

1 (2) further efforts should be made to fully ex-
2 ploit overhead persistent infrared sensor data.

3 (b) REPORT.—Not later than 270 days after the date
4 of the enactment of this Act, the Secretary of Defense,
5 in consultation with the Director of National Intelligence,
6 shall submit to the congressional defense committees, the
7 Permanent Select Committee on Intelligence of the House
8 of Representatives, and the Select Committee on Intel-
9 ligence of the Senate a report on overhead persistent infra-
10 red technology that includes—

11 (1) an assessment of whether there are further
12 opportunities for the Department of Defense and the
13 intelligence community (as defined in section 3(4) of
14 the National Security Act of 1947 (50 U.S.C.
15 401a(4))) to capitalize on increased data sharing,
16 fusion, interoperability, and exploitation; and

17 (2) recommendations on how to better coordi-
18 nate the efforts by the Department and the intel-
19 ligence community to exploit overhead persistent in-
20 frared sensor data.

21 (c) COMPTROLLER GENERAL ASSESSMENT.—Not
22 later than 90 days after the date on which the Secretary
23 of Defense submits the report required under subsection
24 (b), the Comptroller General of the United States shall
25 submit to the congressional defense committees an assess-

1 ment of the report required under subsection (b), includ-
2 ing—

3 (1) an assessment of whether such report is
4 comprehensive, fully supported, and sufficiently de-
5 tailed; and

6 (2) an identification of any shortcomings, limi-
7 tations, or other reportable matters that affect the
8 quality or findings of the report required under sub-
9 section (b).

10 **SEC. 913. PROHIBITION ON USE OF FUNDS TO IMPLEMENT**
11 **INTERNATIONAL AGREEMENT ON SPACE AC-**
12 **TIVITIES THAT HAS NOT BEEN RATIFIED BY**
13 **THE SENATE OR AUTHORIZED BY STATUTE.**

14 (a) PROHIBITION.—None of the funds authorized to
15 be appropriated by this Act or any other Act may be used
16 by the Secretary of Defense or the Director of National
17 Intelligence to limit the activities of the Department of
18 Defense or the intelligence community (as defined in sec-
19 tion 3(4) of the National Security Act of 1947 (50 U.S.C.
20 401a(4))) in outer space to implement or comply with an
21 international agreement concerning outer space activities
22 unless such agreement is ratified by the Senate or author-
23 ized by statute.

24 (b) REPORT ON INTERNATIONAL AGREEMENT NEGO-
25 TIATIONS.—

1 (1) REPORT REQUIRED.—Not later than 90
2 days after the date of the enactment of this Act, and
3 every 90 days thereafter, the Secretary of State and
4 the Secretary of Defense shall submit to the appro-
5 priate congressional committees a report on the
6 progress of negotiations on an international agree-
7 ment concerning outer space activities. Such report
8 shall include a description of which foreign countries
9 have agreed to sign such an international agreement
10 and any implications that the draft of the agreement
11 being negotiated may have on both classified and un-
12 classified military and intelligence activities of the
13 United States in outer space.

14 (2) FORM.—

15 (A) UNCLASSIFIED.—Except as provided
16 in subparagraph (B), each report required
17 under paragraph (1) shall be submitted in un-
18 classified form.

19 (B) CLASSIFIED ANNEX.—The Secretary
20 of Defense may submit to the Committee on
21 Armed Services and the Permanent Select Com-
22 mittee on Intelligence of the House of Rep-
23 resentatives and the Committee on Armed Serv-
24 ices and the Select Committee on Intelligence of
25 the Senate a classified annex to a report re-

1 required under paragraph (1) containing any clas-
2 sified information required to be submitted for
3 such report.

4 (3) TERMINATION DATE.—The requirement to
5 submit a report under paragraph (1) shall cease to
6 apply on the date on which the President submits to
7 the appropriate congressional committees a certifi-
8 cation that the United States is no longer involved
9 in negotiations on an international agreement con-
10 cerning outer space activities.

11 (4) APPROPRIATE CONGRESSIONAL COMMIT-
12 TEES.—In this subsection, the term “appropriate
13 congressional committees” means—

14 (A) the Committee on Armed Services, the
15 Permanent Select Committee on Intelligence,
16 the Committee on Foreign Affairs, and the
17 Committee on Science, Space, and Technology
18 of the House of Representatives; and

19 (B) the Committee on Armed Services, the
20 Select Committee on Intelligence, the Com-
21 mittee on Foreign Relations, and the Com-
22 mittee on Commerce, Science, and Transpor-
23 tation of the Senate.

24 (c) REPORT ON FOREIGN COUNTER-SPACE PRO-
25 GRAMS.—

1 (1) REPORT REQUIRED.—Chapter 135 of title
2 10, United States Code, is amended by adding at
3 the end the following new section:

4 **“§ 2275. Report on foreign counter-space programs**

5 “(a) REPORT REQUIRED.—Not later than January 1
6 of each year, the Secretary of Defense shall submit to Con-
7 gress a report on the counter-space programs of foreign
8 countries.

9 “(b) CONTENTS.—Each report required under sub-
10 section (a) shall include—

11 “(1) an explanation of whether any foreign
12 country has a counter-space program that could be
13 a threat to the national security or commercial space
14 systems of the United States; and

15 “(2) the name of each country with a counter-
16 space program described in paragraph (1).

17 “(c) FORM.—

18 “(1) IN GENERAL.—Except as provided in para-
19 graphs (2) and (3), each report required under sub-
20 section (a) shall be submitted in unclassified form.

21 “(2) CLASSIFIED ANNEX.—The Secretary of
22 Defense may submit to the covered congressional
23 committees a classified annex to a report required
24 under subsection (a) containing any classified infor-
25 mation required to be submitted for such report.

1 “(3) FOREIGN COUNTRY NAMES.—

2 “(A) UNCLASSIFIED FORM.—Subject to
3 subparagraph (B), each report required under
4 subsection (a) shall include the information re-
5 quired under subsection (b)(2) in unclassified
6 form.

7 “(B) NATIONAL SECURITY WAIVER.—The
8 Secretary of Defense may waive the require-
9 ment under subparagraph (A) if the Secretary
10 determines it is in the interests of national se-
11 curity to waive such requirement and submits
12 to Congress an explanation of why the Sec-
13 retary waived such requirement.

14 “(d) PROHIBITION ON USE OF FUNDS FOR NON-
15 COMPLIANCE.—If in any fiscal year the Secretary of De-
16 fense does not submit a report required under subsection
17 (a) on or before the date on which such report is required
18 to be submitted, none of the funds authorized to be appro-
19 priated by any Act for such fiscal year for activities of
20 the Department of Defense may be used for travel related
21 to the negotiation of an international agreement con-
22 cerning outer space activities until such report is sub-
23 mitted.

24 “(e) COVERED CONGRESSIONAL COMMITTEES DE-
25 FINED.—In this section, the term ‘covered congressional

1 committees' means the Committee on Armed Services and
2 the Permanent Select Committee on Intelligence of the
3 House of Representatives and the Committee on Armed
4 Services and the Select Committee on Intelligence of the
5 Senate.”.

6 (2) CLERICAL AMENDMENT.—The table of sec-
7 tions at the beginning of chapter 135 of title 10,
8 United States Code, is amended by adding at the
9 end the following new item:

“2275. Report on foreign counter-space programs.”.

10 **SEC. 914. ASSESSMENT OF FOREIGN COMPONENTS AND**
11 **THE SPACE LAUNCH CAPABILITY OF THE**
12 **UNITED STATES.**

13 (a) ASSESSMENT.—The Secretary of the Air Force
14 shall enter into an agreement with a federally funded re-
15 search and development center to conduct an independent
16 assessment of the national security implications of con-
17 tinuing to use foreign component and propulsion systems
18 for the launch vehicles under the evolved expendable
19 launch vehicle program.

20 (b) REPORT.—Not later than 180 days after the date
21 of the enactment of this Act, the federally funded research
22 and development center shall submit to the congressional
23 defense committees a report on the assessment conducted
24 under subsection (a).

1 **SEC. 915. REPORT ON COUNTER SPACE TECHNOLOGY.**

2 (a) REPORT.—Not later than one year after the date
3 of the enactment of this Act, and annually thereafter for
4 two years, the Secretary of Defense shall submit to the
5 congressional defense committees, the Committee on For-
6 eign Affairs of the House of Representatives, and the
7 Committee on Foreign Relations of the Senate a report
8 based on all available information describing key space
9 technologies that could be used, or are being sought, by
10 a foreign country with a counter space or ballistic missile
11 program, and should be subject to export controls by the
12 United States or an ally of the United States, as appro-
13 priate.

14 (b) FORM.—Each report required under subsection
15 (a) shall be submitted in unclassified form, but may in-
16 clude a classified annex.

17 **SEC. 916. COMMERCIAL SPACE LAUNCH COOPERATION.**

18 (a) IN GENERAL.—Chapter 135 of title 10, United
19 States Code, is amended by adding at the end the fol-
20 lowing new section:

21 **“§ 2276. Commercial space launch cooperation**

22 “(a) AUTHORITY.—The Secretary of Defense may
23 take such actions as the Secretary considers to be in the
24 best interest of the Federal Government to—

25 “(1) maximize the use of the capacity of the
26 space transportation infrastructure of the Depart-

1 ment of Defense by the private sector in the United
2 States;

3 “(2) maximize the effectiveness and efficiency
4 of the space transportation infrastructure of the De-
5 partment of Defense;

6 “(3) reduce the cost of services provided by the
7 Department of Defense related to space transpor-
8 tation infrastructure at launch support facilities and
9 space recovery support facilities;

10 “(4) encourage commercial space activities by
11 enabling investment by covered entities in the space
12 transportation infrastructure of the Department of
13 Defense; and

14 “(5) foster cooperation between the Department
15 of Defense and covered entities.

16 “(b) AUTHORITY FOR CONTRACTS AND OTHER
17 AGREEMENTS RELATING TO SPACE TRANSPORTATION IN-
18 FRAStructure.—The Secretary of Defense—

19 “(1) may enter into an agreement with a cov-
20 ered entity to provide the covered entity with sup-
21 port and services related to the space transportation
22 infrastructure of the Department of Defense; and

23 “(2) upon the request of such covered entity,
24 may include such support and services in the space

1 launch and reentry range support requirements of
2 the Department of Defense if—

3 “(A) the Secretary determines that the in-
4 clusion of such support and services in such re-
5 quirements—

6 “(i) is in the best interest of the Fed-
7 eral Government;

8 “(ii) does not interfere with the re-
9 quirements of the Department of Defense;
10 and

11 “(iii) does not compete with the com-
12 mercial space activities of other covered en-
13 tities, unless that competition is in the na-
14 tional security interests of the United
15 States; and

16 “(B) any commercial requirement included
17 in the agreement has full non-Federal funding
18 before the execution of the agreement.

19 “(c) CONTRIBUTIONS.—

20 “(1) IN GENERAL.—The Secretary of Defense
21 may enter into an agreement with a covered entity
22 on a cooperative and voluntary basis to accept con-
23 tributions of funds, services, and equipment to carry
24 out this section.

1 “(2) USE OF CONTRIBUTIONS.—Any funds,
2 services, or equipment accepted by the Secretary
3 under this subsection—

4 “(A) may be used only for the objectives
5 specified in this section in accordance with
6 terms of use set forth in the agreement entered
7 into under this subsection; and

8 “(B) shall be managed by the Secretary in
9 accordance with regulations of the Department
10 of Defense.

11 “(3) REQUIREMENTS WITH RESPECT TO
12 AGREEMENTS.—An agreement entered into with a
13 covered entity under this subsection—

14 “(A) shall address the terms of use, owner-
15 ship, and disposition of the funds, services, or
16 equipment contributed pursuant to the agree-
17 ment; and

18 “(B) shall include a provision that the cov-
19 ered entity will not recover the costs of its con-
20 tribution through any other agreement with the
21 United States.

22 “(d) DEFENSE COOPERATION SPACE LAUNCH AC-
23 COUNT.—

24 “(1) ESTABLISHMENT.—There is established in
25 the Treasury of the United States a special account

1 to be known as the ‘Defense Cooperation Space
2 Launch Account’.

3 “(2) CREDITING OF FUNDS.—Funds received
4 by the Secretary of Defense under subsection (c)
5 shall be credited to the Defense Cooperation Space
6 Launch Account.

7 “(3) USE OF FUNDS.—Funds deposited in the
8 Defense Cooperation Space Launch Account under
9 paragraph (2) are authorized to be appropriated and
10 shall be available for obligation only to the extent
11 provided in advance in an appropriation Act for
12 costs incurred by the Department of Defense in car-
13 rying out subsection (b). Funds in the Account shall
14 remain available until expended.

15 “(e) ANNUAL REPORT.—Not later than January 31
16 of each year, the Secretary of Defense shall submit to the
17 congressional defense committees a report on the funds,
18 services, and equipment accepted and used by the Sec-
19 retary under this section during the preceding fiscal year.

20 “(f) REGULATIONS.—The Secretary of Defense shall
21 prescribe regulations to carry out this section.

22 “(g) DEFINITIONS.—In this section:

23 “(1) COVERED ENTITY.—The term ‘covered en-
24 tity’ means a non-Federal entity that—

1 “(A) is organized under the laws of the
2 United States or of any jurisdiction within the
3 United States; and

4 “(B) is engaged in commercial space ac-
5 tivities.

6 “(2) LAUNCH SUPPORT FACILITIES.—The term
7 ‘launch support facilities’ has the meaning given the
8 term in section 50501(7) of title 51.

9 “(3) SPACE RECOVERY SUPPORT FACILITIES.—
10 The term ‘space recovery support facilities’ has the
11 meaning given the term in section 50501(11) of title
12 51.

13 “(4) SPACE TRANSPORTATION INFRASTRUC-
14 TURE.—The term ‘space transportation infrastruc-
15 ture’ has the meaning given that term in section
16 50501(12) of title 51.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of such chapter is amended by adding
19 at the end the following new item:

“2276. Commercial space launch cooperation.”.

1 **Subtitle C—Intelligence-Related**
2 **Activities**

3 **SEC. 921. AUTHORITY TO PROVIDE GEOSPATIAL INTEL-**
4 **LIGENCE SUPPORT TO CERTAIN SECURITY**
5 **ALLIANCES AND REGIONAL ORGANIZATIONS.**

6 (a) AUTHORIZATION.—Section 443(a) of title 10,
7 United States Code, is amended—

8 (1) by striking “The Director” and inserting
9 “(1) Subject to paragraph (2), the Director”;

10 (2) by striking “foreign countries” and insert-
11 ing “foreign countries, regional organizations with
12 defense or security components, and security alli-
13 ances of which the United States is a member”; and

14 (3) by adding at the end the following new
15 paragraph:

16 “(2) In each case in which the Director of the Na-
17 tional Geospatial-Intelligence Agency provides imagery in-
18 telligence or geospatial information support to a regional
19 organization or security alliance under paragraph (1), the
20 Director shall—

21 “(A) ensure that such intelligence and such
22 support are not provided by such regional organiza-
23 tion or such security alliance to any other person or
24 entity;

1 “(B) notify the congressional defense commit-
2 tees, the Permanent Select Committee on Intel-
3 ligence of the House of Representatives, and the Se-
4 lect Committee on Intelligence of the Senate, that
5 the Director has provided such intelligence or such
6 support; and

7 “(C) coordinate the provision of such intel-
8 ligence and such support with the commander of the
9 appropriate combatant command.”.

10 (b) CLERICAL AMENDMENTS.—

11 (1) SECTION HEADING.—The heading of section
12 443 of title 10, United States Code, is amended by
13 striking “**foreign countries**” and inserting
14 “**foreign countries, regional organiza-**
15 **tions, and security alliances**”.

16 (2) TABLE OF SECTIONS.—The table of sections
17 at the beginning of chapter 22 of title 10, United
18 States Code, is amended by striking the item relat-
19 ing to section 443 and inserting the following new
20 item:

“443. Imagery intelligence and geospatial information: support for foreign coun-
tries, regional organizations, and security alliances.”.

1 **SEC. 922. TECHNICAL AMENDMENTS TO REFLECT CHANGE**
2 **IN NAME OF NATIONAL DEFENSE INTEL-**
3 **LIGENCE COLLEGE TO NATIONAL INTEL-**
4 **LIGENCE UNIVERSITY.**

5 (a) CONFORMING AMENDMENTS TO REFLECT NAME
6 CHANGE.—Section 2161 of title 10, United States Code,
7 is amended by striking “National Defense Intelligence
8 College” each place it appears and inserting “National In-
9 telligence University”.

10 (b) CLERICAL AMENDMENTS.—

11 (1) SECTION HEADING.—The heading of such
12 section is amended to read as follows:

13 **“§ 2161. Degree granting authority for National Intel-**
14 **ligence University”.**

15 (2) TABLE OF SECTIONS.—The item related to
16 such section in the table of sections at the beginning
17 of chapter 108 of such title is amended to read as
18 follows:

“2161. Degree granting authority for National Intelligence University.”.

19 **Subtitle D—Total Force**
20 **Management**

21 **SEC. 931. LIMITATION ON CERTAIN FUNDING UNTIL CER-**
22 **TIFICATION THAT INVENTORY OF CON-**
23 **TRACTS FOR SERVICES HAS BEGUN.**

24 (a) LIMITATION ON FUNDING FOR CERTAIN OF-
25 FICES.—Of the funds authorized to be appropriated for

1 fiscal year 2013 as specified in the funding table in section
2 4301, not more than 80 percent of the funds authorized
3 for the Office of the Under Secretary of Defense for Ac-
4 quisition, Technology, and Logistics; the Office of the As-
5 sistant Secretary of the Navy for Research, Development,
6 and Acquisition; and the Office of the Assistant Secretary
7 of the Air Force for Acquisition may be obligated or ex-
8 pended until the certification described in subsection (c)
9 is submitted.

10 (b) LIMITATION ON FUNDING FOR OTHER CON-
11 TRACTS.—Of the funds authorized for other contracts or
12 other services to be appropriated for fiscal year 2013 as
13 specified in the funding table in section 4301, not more
14 than 80 percent of the funds authorized for the Office of
15 the Secretary of Defense, the Department of the Navy,
16 and the Department of the Air Force may be obligated
17 or expended until the certification described in subsection
18 (c) is submitted.

19 (c) CERTIFICATION.—The certification described in
20 this subsection is a certification in writing submitted to
21 the congressional defense committees and made by the
22 Secretary of Defense that the collection of data for pur-
23 poses of meeting the requirements of section 2330a of title
24 10, United States Code, has begun.

1 (d) DEFINITION.—In this section, the term “other
2 contracts or other services” means funding described in
3 line 0989 within Exhibit OP–32 of the justification mate-
4 rials accompanying the President’s budget request for fis-
5 cal year 2013.

6 **SEC. 932. REQUIREMENT TO ENSURE SUFFICIENT LEVELS**
7 **OF GOVERNMENT MANAGEMENT, CONTROL,**
8 **AND OVERSIGHT OF FUNCTIONS CLOSELY AS-**
9 **SOCIATED WITH INHERENTLY GOVERN-**
10 **MENTAL FUNCTIONS.**

11 Section 129a of title 10, United States Code, is
12 amended—

13 (1) in subparagraph (B) of subsection (f)(3), by
14 inserting after “Government” the following: “man-
15 agement, control, and”; and

16 (2) by adding at the end the following new sub-
17 section:

18 “(g) REQUIREMENT FOR MANAGEMENT, CONTROL,
19 AND OVERSIGHT OR APPROPRIATE CORRECTIVE AC-
20 TIONS.—For purposes of subsection (f)(3)(B), if insuffi-
21 cient levels of Government management, control, and over-
22 sight are found, the Secretary of the military department
23 or head of the Defense agency responsible shall provide
24 such management, control, and oversight or take appro-
25 priate corrective actions, including potential conversion to

1 Government performance, consistent with this section and
2 sections 129 and 2463 of this title.”.

3 **SEC. 933. SPECIAL MANAGEMENT ATTENTION REQUIRED**
4 **FOR CERTAIN FUNCTIONS IDENTIFIED IN IN-**
5 **VENTORY OF CONTRACTS FOR SERVICES.**

6 Subparagraph (C) of section 2330a(e)(2) of title 10,
7 United States Code, is amended to read as follows:

8 “(C) special management attention is
9 being given to functions identified in the inven-
10 tory as being closely associated with inherently
11 governmental functions; and”.

12 **Subtitle E—Cyberspace-Related**
13 **Matters**

14 **SEC. 941. MILITARY ACTIVITIES IN CYBERSPACE.**

15 Section 954 of the National Defense Authorization
16 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
17 1551) is amended to read as follows:

18 **“SEC. 954. MILITARY ACTIVITIES IN CYBERSPACE.**

19 “(a) **AFFIRMATION.**—Congress affirms that the Sec-
20 retary of Defense is authorized to conduct military activi-
21 ties in cyberspace.

22 “(b) **AUTHORITY DESCRIBED.**—The authority re-
23 ferred to in subsection (a) includes the authority to carry
24 out a clandestine operation in cyberspace—

1 “(1) in support of a military operation pursuant
2 to the Authorization for Use of Military Force (50
3 U.S.C. 1541 note; Public Law 107–40) against a
4 target located outside of the United States; or

5 “(2) to defend against a cyber attack against
6 an asset of the Department of Defense.

7 “(c) RULE OF CONSTRUCTION REGARDING AUTHOR-
8 ITY IN CYBERSPACE.—Nothing in this section shall be
9 construed to limit the authority of the Secretary of De-
10 fense to conduct military activities in cyberspace.

11 “(d) RULE OF CONSTRUCTION REGARDING COVERT
12 ACTIONS.—Nothing in this section shall be construed to
13 authorize a covert action (as defined in section 503(e) of
14 the National Security Act of 1947 (50 U.S.C. 413b(e)))
15 or modify the requirements of section 503 of such Act (50
16 U.S.C. 413b).

17 “(e) CONGRESSIONAL NOTIFICATION.—Consistent
18 with, and in addition to, any other reporting requirements
19 under law, the Secretary of Defense shall ensure that the
20 congressional intelligence committees (as defined in sec-
21 tion 3(7) of the National Security Act of 1947 (50 U.S.C.
22 401a(7))) are kept fully and currently informed of any in-
23 telligence or intelligence-related activities undertaken in
24 support of military activities in cyberspace.”.

1 **SEC. 942. QUARTERLY CYBER OPERATIONS BRIEFINGS.**

2 (a) BRIEFINGS.—Chapter 23 of title 10, United
3 States Code, is amended by inserting after section 483 the
4 following new section:

5 **“§ 484. Quarterly cyber operations briefings**

6 “The Secretary of Defense shall provide to the Com-
7 mittees on Armed Services of the House of Representa-
8 tives and the Senate quarterly briefings on all offensive
9 and significant defensive military operations in cyberspace
10 carried out by the Department of Defense during the im-
11 mediately preceding quarter.”.

12 (b) INITIAL BRIEFING.—The first briefing required
13 under section 484 of title 10, United States Code, as
14 added by subsection (a), shall be provided not later than
15 March 1, 2013.

16 (c) CLERICAL AMENDMENT.—The table of sections
17 at the beginning of chapter 23 of title 10, United States
18 Code, is amended by inserting after the item relating to
19 section 483 the following new item:

“484. Quarterly cyber operations briefings.”.

20 **Subtitle F—Other Matters**

21 **SEC. 951. ADVICE ON MILITARY REQUIREMENTS BY CHAIR-**
22 **MAN OF JOINT CHIEFS OF STAFF AND JOINT**
23 **REQUIREMENTS OVERSIGHT COUNCIL.**

24 (a) AMENDMENTS RELATED TO CHAIRMAN OF JOINT
25 CHIEFS OF STAFF.—Section 153(a)(4) of title 10, United

1 States Code, is amended by striking subparagraph (F)
2 and inserting the following new subparagraphs:

3 “(F) Identifying, assessing, and approving
4 military requirements (including existing sys-
5 tems and equipment) to meet the national mili-
6 tary strategy.

7 “(G) Recommending to the Secretary ap-
8 propriate trade-offs among life-cycle cost,
9 schedule, and performance objectives to ensure
10 that such trade-offs are made in the acquisition
11 of materiel and equipment to meet military re-
12 quirements in a manner that best supports the
13 strategic and contingency plans required by
14 subsection (a).”.

15 (b) AMENDMENTS RELATED TO JROC.—Section
16 181(b) of such title is amended—

17 (1) in paragraph (1)(C), by striking “in ensur-
18 ing” and all that follows through “requirements”
19 and inserting the following: “in ensuring that appro-
20 priate trade-offs are made among life-cycle cost,
21 schedule, and performance objectives in the acquisi-
22 tion of materiel and equipment to meet military re-
23 quirements”; and

1 (2) in paragraph (3), by striking “such resource
2 level” and inserting “the total cost of such re-
3 sources”.

4 (c) AMENDMENTS RELATED CHIEFS OF ARMED
5 FORCES.—Section 2547(a) of such title is amended—

6 (1) in paragraph (1), by striking “of require-
7 ments relating to the defense acquisition system”
8 and inserting “and certification of requirements for
9 equipping the armed force concerned”;

10 (2) by redesignating paragraphs (3) and (4) as
11 paragraphs (5) and (6), respectively; and

12 (3) by inserting after paragraph (2) the fol-
13 lowing new paragraphs:

14 “(3) The recommendation of trade-offs among
15 life-cycle cost, schedule, and performance objectives
16 to ensure acquisition programs to equip the armed
17 force concerned deliver best value.

18 “(4) Termination of development or procure-
19 ment programs that fail to meet life-cycle cost,
20 schedule, and performance objectives.”.

1 **SEC. 952. EXPANSION OF PERSONS ELIGIBLE FOR EXPE-**
2 **DITED FEDERAL HIRING FOLLOWING COM-**
3 **PLETION OF NATIONAL SECURITY EDU-**
4 **CATION PROGRAM SCHOLARSHIP.**

5 Section 802(k) of the David L. Boren National Secu-
6 rity Education Act of 1991 (50 U.S.C. 1902(k)) is amend-
7 ed to read as follows:

8 “(k) EMPLOYMENT OF PROGRAM PARTICIPANTS.—

9 “(1) APPOINTMENT AUTHORITY.—The Sec-
10 retary of Defense, the Secretary of Homeland Secu-
11 rity, the Secretary of State, or the head of a Federal
12 agency or office identified by the Secretary of De-
13 fense under subsection (g) as having national secu-
14 rity responsibilities—

15 “(A) may, without regard to any provision
16 of title 5 governing appointments in the com-
17 petitive service, appoint an eligible program
18 participant—

19 “(i) to a position in the excepted serv-
20 ice that is certified by the Secretary of De-
21 fense under clause (i) of subsection
22 (b)(2)(A) as contributing to the national
23 security of the United States; or

24 “(ii) subject to clause (ii) of such sub-
25 section, to a position in the excepted serv-

1 ice in such Federal agency or office identi-
2 fied by the Secretary; and

3 “(B) may, upon satisfactory completion of
4 two years of substantially continuous service by
5 an incumbent who was appointed to an ex-
6 cepted service position under the authority of
7 subparagraph (A), convert the appointment of
8 such individual, without competition, to a career
9 or career conditional appointment.

10 “(2) TREATMENT OF CERTAIN SERVICE.—In
11 the case of an eligible program participant described
12 in clause (ii) or (iii) of paragraph (3)(B) who re-
13 ceives an appointment under paragraph (1)(A), the
14 head of a Department or Federal agency or office
15 referred to in paragraph (1) may count any period
16 that the individual served in a position with the Fed-
17 eral Government towards satisfaction of the service
18 requirement under paragraph (1)(B) if that serv-
19 ice—

20 “(A) in the case of an appointment under
21 clause (i) of paragraph (1)(A), was in a position
22 that is identified under clause (i) of subsection
23 (b)(2)(A) as contributing to the national secu-
24 rity of the United States; or

1 “(B) in the case of an appointment under
2 clause (ii) of paragraph (1)(A), was in the Fed-
3 eral agency or office in which the appointment
4 under that clause is made.

5 “(3) ELIGIBLE PROGRAM PARTICIPANT DE-
6 FINED.—In this subsection, the term ‘eligible pro-
7 gram participant’ means an individual who—

8 “(A) has successfully completed an aca-
9 demic program for which a scholarship or fel-
10 lowship under this section was awarded; and

11 “(B) at the time of the appointment of the
12 individual to an excepted service position under
13 paragraph (1)(A)—

14 “(i) under the terms of the agreement
15 for such scholarship or fellowship, owes a
16 service commitment to a Department or
17 Federal agency or office referred to in
18 paragraph (1);

19 “(ii) is employed by the Federal Gov-
20 ernment under a non-permanent appoint-
21 ment to a position in the excepted service
22 that has national security responsibilities;
23 or

24 “(iii) is a former civilian employee of
25 the Federal Government who has less than

1 a one-year break in service from the last
2 period of Federal employment of such indi-
3 vidual in a non-permanent appointment in
4 the excepted service with national security
5 responsibilities.”.

6 **SEC. 953. ANNUAL BRIEFING TO CONGRESSIONAL DEFENSE**
7 **COMMITTEES ON CERTAIN WRITTEN POLICY**
8 **GUIDANCE.**

9 Section 113(g) of title 10, United States Code, is
10 amended by adding at the end the following new para-
11 graph:

12 “(3) The Secretary of Defense shall provide an an-
13 nual briefing to the congressional defense committees on
14 the written policy guidance provided under paragraphs (1)
15 and (2).”.

16 **SEC. 954. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE**
17 **REIMBURSEMENT OF COSTS OF ACTIVITIES**
18 **FOR NONGOVERNMENTAL PERSONNEL AT**
19 **DEPARTMENT OF DEFENSE REGIONAL CEN-**
20 **TERS FOR SECURITY STUDIES.**

21 (a) EXTENSION.—Paragraph (1) of section 941(b) of
22 the Duncan Hunter National Defense Authorization Act
23 for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C.
24 184 note), is amended by striking “through 2012” and
25 inserting “through 2013”.

1 (b) ASSESSMENT REQUIRED.—The Comptroller Gen-
2 eral of the United States shall assess—

3 (1) the effectiveness of the Regional Centers for
4 Security Studies in meeting the Centers' objectives
5 and advancing the priorities of the Department of
6 Defense;

7 (2) the extent to which the Centers perform a
8 unique function within the interagency community
9 or the extent to which there are similar or duplica-
10 tive efforts within the Department of Defense or the
11 Department of State;

12 (3) the measures of effectiveness and impact in-
13 dicators each Regional Center uses to internally
14 evaluate its programs;

15 (4) the oversight mechanisms within the De-
16 partment of Defense with respect to the Regional
17 Centers; and

18 (5) the costs and benefits to the Department of
19 Defense of waiving reimbursement costs for per-
20 sonnel of nongovernmental organizations and inter-
21 national organizations to participate in activities of
22 the Centers on an ongoing basis.

23 (c) REPORT.—Not later than March 1, 2013, the
24 Comptroller General shall submit to the Committees on
25 Armed Services and on Foreign Relations of the Senate

1 and the Committees on Armed Services and on Foreign
2 Affairs of the House of Representatives a report on the
3 assessment required by subsection (b).

4 **SEC. 955. NATIONAL LANGUAGE SERVICE CORPS.**

5 (a) CHARTER FOR NATIONAL LANGUAGE SERVICE
6 CORPS.—The David L. Boren National Security Edu-
7 cation Act of 1991 (50 U.S.C. 1901 et seq.) is amended
8 by adding at the end the following new section:

9 **“SEC. 813. NATIONAL LANGUAGE SERVICE CORPS.**

10 “(a) ESTABLISHMENT.—

11 “(1) The Secretary of Defense shall establish
12 and maintain within the Department of Defense a
13 National Language Service Corps (in this section re-
14 ferred to as the ‘Corps’).

15 “(2) The purpose of the Corps is to provide a
16 pool of personnel with foreign language skills who,
17 as provided in regulations prescribed under this sec-
18 tion, agree to provide foreign language services to
19 the Department of Defense or another department
20 or agency of the United States.

21 “(b) NATIONAL SECURITY EDUCATION BOARD.—The
22 Secretary shall provide for the National Security Edu-
23 cation Board to oversee and coordinate the activities of
24 the Corps to such extent and in such manner as deter-

1 mined by the Secretary under paragraph (9) of section
2 803(d).

3 “(c) MEMBERSHIP.—To be eligible for membership
4 in the Corps, a person must be a citizen of the United
5 States authorized by law to be employed in the United
6 States, have attained the age of 18 years, and possess
7 such foreign language skills as the Secretary considers ap-
8 propriate for membership in the Corps. Members of the
9 Corps may include employees of the Federal Government
10 and of State and local governments.

11 “(d) TRAINING.—The Secretary may provide mem-
12 bers of the Corps such training as the Secretary prescribes
13 for purposes of this section.

14 “(e) SERVICE.—Upon a determination that it is in
15 the national interests of the United States, the Secretary
16 shall call upon members of the Corps to provide foreign
17 language services to the Department of Defense or an-
18 other department or agency of the United States.

19 “(f) FUNDING.—The Secretary may impose fees, in
20 amounts up to full-cost recovery, for language services and
21 technical assistance rendered by members of the Corps.
22 Amounts of fees received under this section shall be cred-
23 ited to the account of the Department providing funds for
24 any costs incurred by the Department in connection with
25 the Corps. Amounts so credited to such account shall be

1 merged with amounts in such account, and shall be avail-
2 able to the same extent, and subject to the same conditions
3 and limitations, as amounts in such account. Any amounts
4 so credited shall remain available until expended.

5 “(g) USERRA APPLICABILITY.—For purposes of the
6 applicability of chapter 43 of title 38, United States Code,
7 to a member of the Corps—

8 “(1) a period of active service in the Corps shall
9 be deemed to be service in the uniformed services;
10 and

11 “(2) the Corps shall be deemed to be a uni-
12 formed service.”.

13 (b) NATIONAL SECURITY EDUCATION BOARD MAT-
14 TERS.—

15 (1) COMPOSITION.—Subsection (b) of section
16 803 of such Act (50 U.S.C. 1903) is amended—

17 (A) by striking paragraph (5);

18 (B) by redesignating paragraphs (6) and
19 (7) as paragraphs (8) and (9), respectively; and

20 (C) by inserting after paragraph (4) the
21 following new paragraphs:

22 “(5) The Secretary of Homeland Security.

23 “(6) The Secretary of Energy.

24 “(7) The Director of National Intelligence.”.

1 (2) FUNCTIONS.—Subsection (d) of such sec-
2 tion is amended by adding at the end the following
3 new paragraph:

4 “(9) To the extent provided by the Secretary of
5 Defense, oversee and coordinate the activities of the
6 National Language Service Corps under section 813,
7 including—

8 “(A) identifying and assessing on a peri-
9 odic basis the needs of the departments and
10 agencies of the Federal Government for per-
11 sonnel with skills in various foreign languages;

12 “(B) establishing plans to address foreign
13 language shortfalls and requirements of the de-
14 partments and agencies of the Federal Govern-
15 ment;

16 “(C) recommending effective ways to in-
17 crease public awareness of the need for foreign
18 languages skills and career paths in the Federal
19 Government that use those skills;

20 “(D) coordinating activities with Executive
21 agencies and State and Local governments to
22 develop interagency plans and agreements to
23 address overall foreign language shortfalls and
24 to utilize personnel to address the various types

1 of crises that warrant foreign language skills;
2 and

3 “(E) proposing to the Secretary regula-
4 tions to carry out section 813.”.

5 **TITLE X—GENERAL PROVISIONS**

6 **Subtitle A—Financial Matters**

7 **SEC. 1001. GENERAL TRANSFER AUTHORITY.**

8 (a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.—**

9 (1) **AUTHORITY.**—Upon determination by the
10 Secretary of Defense that such action is necessary in
11 the national interest, the Secretary may transfer
12 amounts of authorizations made available to the De-
13 partment of Defense in this division for fiscal year
14 2013 between any such authorizations for that fiscal
15 year (or any subdivisions thereof). Amounts of au-
16 thorizations so transferred shall be merged with and
17 be available for the same purposes as the authoriza-
18 tion to which transferred.

19 (2) **LIMITATION.**—Except as provided in para-
20 graph (3), the total amount of authorizations that
21 the Secretary may transfer under the authority of
22 this section may not exceed \$3,500,000,000.

23 (3) **EXCEPTION FOR TRANSFERS BETWEEN**
24 **MILITARY PERSONNEL AUTHORIZATIONS.**—A trans-
25 fer of funds between military personnel authoriza-

1 tions under title IV shall not be counted toward the
2 dollar limitation in paragraph (2).

3 (b) LIMITATIONS.—The authority provided by sub-
4 section (a) to transfer authorizations—

5 (1) may only be used to provide authority for
6 items that have a higher priority than the items
7 from which authority is transferred; and

8 (2) may not be used to provide authority for an
9 item that has been denied authorization by Con-
10 gress.

11 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
12 transfer made from one account to another under the au-
13 thority of this section shall be deemed to increase the
14 amount authorized for the account to which the amount
15 is transferred by an amount equal to the amount trans-
16 ferred.

17 (d) NOTICE TO CONGRESS.—The Secretary shall
18 promptly notify Congress of each transfer made under
19 subsection (a).

20 **SEC. 1002. BUDGETARY EFFECTS OF THIS ACT.**

21 The budgetary effects of this Act, for the purpose of
22 complying with the Statutory Pay-As-You-Go Act of 2010,
23 shall be determined by reference to the latest statement
24 titled “Budgetary Effects of PAYGO Legislation” for this
25 Act, submitted for printing in the Congressional Record

1 by the Chairman of the Committee on the Budget of the
2 House of Representatives, as long as such statement has
3 been submitted prior to the vote on passage of this Act.

4 **SEC. 1003. ANNUAL REPORT ON ARMED FORCES UN-**
5 **FUNDED PRIORITIES.**

6 (a) **REPORT REQUIRED.**—Not later than 30 days
7 after the date on which the budget for a fiscal year is sub-
8 mitted to Congress pursuant to section 1105 of title 31,
9 United States Code, each member of the Joint Chiefs of
10 Staff specified in subsection (b) and the Commander of
11 the United States Special Operations Command shall sub-
12 mit to the congressional defense committees a report con-
13 taining a list of the unfunded priorities for the Armed
14 Force under the jurisdiction of that member or com-
15 mander.

16 (b) **COVERED MILITARY SERVICE CHIEFS.**—The re-
17 ports required by subsection (a) shall be submitted by the
18 Chief of Staff of the Army, the Chief of Naval Operations,
19 the Chief of Staff of the Air Force, the Commandant of
20 the Marine Corps, and the Chief of the National Guard
21 Bureau.

22 (c) **UNFUNDED PRIORITIES DEFINED.**—In this sec-
23 tion, the term “unfunded priorities”, with respect to a re-
24 port required by subsection (a) for a fiscal year, means
25 a program or mission requirement that—

1 (1) has not been selected for funding in the
2 proposed budget for the fiscal year;

3 (2) is necessary to fulfill a requirement associ-
4 ated with a combatant commander operational or
5 contingency plan or other validated global force re-
6 quirement; and

7 (3) the officer submitting the report would have
8 recommended for inclusion in the proposed budget
9 for the fiscal year had additional resources been
10 available or had the requirement emerged before the
11 budget was submitted.

12 **Subtitle B—Counter-Drug** 13 **Activities**

14 **SEC. 1011. EXTENSION OF THE AUTHORITY OF THE CHIEF** 15 **OF THE NATIONAL GUARD BUREAU TO ES-** 16 **TABLISH AND OPERATE NATIONAL GUARD** 17 **COUNTERDRUG SCHOOLS.**

18 Section 901 of the Office of National Drug Control
19 Policy Reauthorization Act of 2006 (Public Law 109–469;
20 120 Stat. 3536; 32 U.S.C. 112 note) is amended—

21 (1) in subsection (c)—

22 (A) by striking paragraph (1) and redesign-
23 ating paragraphs (2) through (5) as para-
24 graphs (1) through (4), respectively; and

1 (B) by adding at the end the following new
2 paragraph:

3 “(5) The Western Regional Counterdrug Train-
4 ing Center, Camp Murray, Washington.”;

5 (2) by striking subsection (f) and redesignating
6 subsection (g) as subsection (f); and

7 (3) in subsection (f)(1), as so redesignated, by
8 striking “fiscal years 2006 through 2010” and in-
9 serting “fiscal years 2013 through 2017”.

10 **SEC. 1012. REPORTING REQUIREMENT ON EXPENDITURES**

11 **TO SUPPORT FOREIGN COUNTER-DRUG AC-**
12 **TIVITIES.**

13 Section 1022(a) of the Floyd D. Spence National De-
14 fense Authorization Act for Fiscal Year 2001 (as enacted
15 into law by Public Law 106–398; 114 Stat. 1654A–255),
16 as most recently amended by the section 1008 of the Na-
17 tional Defense Authorization Act for Fiscal Year 2012
18 (Public Law 112–81; 125 Stat. 1558), is further amended
19 by striking “February 15, 2012” and inserting “February
20 15, 2013”.

21 **SEC. 1013. EXTENSION OF AUTHORITY TO SUPPORT UNI-**
22 **FIED COUNTER-DRUG AND COUNTERTER-**
23 **RORISM CAMPAIGN IN COLOMBIA.**

24 Section 1021 of the Ronald W. Reagan National De-
25 fense Authorization Act for Fiscal Year 2005 (Public Law

1 108–375; 118 Stat. 2042), as most recently amended by
2 section 1007 of the National Defense Authorization Act
3 for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
4 1558), is amended—

5 (1) in subsection (a), by striking “2012” and
6 inserting “2013”; and

7 (2) in subsection (c), by striking “2012” and
8 inserting “2013”.

9 **SEC. 1014. EXTENSION OF AUTHORITY FOR JOINT TASK**
10 **FORCES TO PROVIDE SUPPORT TO LAW EN-**
11 **FORCEMENT AGENCIES CONDUCTING**
12 **COUNTER-TERRORISM ACTIVITIES.**

13 Section 1022(b) of the National Defense Authoriza-
14 tion Act for Fiscal Year 2004 (Public Law 108–136; 117
15 Stat. 1594; 10 U.S.C. 371 note) is amended by striking
16 “2012” and inserting “2013”.

17 **SEC. 1015. SENSE OF CONGRESS REGARDING THE**
18 **COUNTERDRUG TETHERED AEROSTAT**
19 **RADAR SYSTEM PROGRAM.**

20 (a) FINDINGS.—Congress finds the following:

21 (1) Since 1992, the Air Force has administered
22 the Counterdrug Tethered Aerostat Radar System
23 (TARS) program, which contributes to deterring and
24 detecting smugglers moving illicit drugs into the
25 United States.

1 (2) There are eight current tethered aerostat
2 systems, located at Yuma, Arizona, Fort Huachuca,
3 Arizona, Deming, New Mexico, Marfa, Texas, Eagle
4 Pass, Texas, Rio Grande City, Texas, Cudjoe Key,
5 Florida, and Lajas, Puerto Rico.

6 (3) Primary customers of the surveillance data
7 from the TARS program are the Department of
8 Homeland Security, the United States Northern
9 Command, the United States Southern Command,
10 and the North American Aerospace Defense Com-
11 mand.

12 (4) In the past two years, the radars in two of
13 the eight tethered aerostat systems have been de-
14 stroyed in strong weather conditions, namely the
15 radar at Lajas, Puerto Rico, which was destroyed in
16 April 2011, and the radar at Marfa, Texas, which
17 was destroyed in February 2012.

18 (5) The Air Force has indicated that it does not
19 have sufficient spare parts in its inventory to replace
20 either of these two radars or the funding necessary
21 to purchase any new radars. As a result, there are
22 no current plans to resume operations at Lajas,
23 Puerto Rico or Marfa, Texas.

24 (6) The loss of these two tethered aerostats sys-
25 tems substantially degrades counterdrug capabilities

1 in the Caribbean corridor and along the Southwest
2 border.

3 (7) The loss of the tethered aerostat system in
4 Lajas, Puerto Rico, is particularly detrimental to the
5 national counterdrug mission. In Section 1023 of the
6 National Defense Authorization Act for Fiscal Year
7 2006 (Public Law 109–163), Congress found that—

8 (A) “Drug traffickers use the Caribbean
9 corridor to smuggle narcotics to the United
10 States via Puerto Rico and the Dominican Re-
11 public. This route is ideal for drug trafficking
12 because of its geographic expanse, numerous
13 law enforcement jurisdictions, and fragmented
14 investigative efforts.”; and

15 (B) “The tethered aerostat system in
16 Lajas, Puerto Rico, contributes to deterring
17 and detecting smugglers moving illicit drugs
18 into Puerto Rico. The aerostat’s range and
19 operational capabilities allow it to provide sur-
20 veillance coverage of the eastern Caribbean cor-
21 ridor and the strategic waterway between Puer-
22 to Rico and the Dominican Republic, known as
23 the Mona Passage.”.

24 (8) In such section 1023, Congress expressed
25 that “Congress and the Department of Defense

1 should fund the Counter-Drug Tethered Aerostat
2 program.”.

3 (9) In recent years, Puerto Rico and the United
4 States Virgin Islands have been increasingly im-
5 pacted by the drug trade and related violence. Both
6 jurisdictions have homicide rates that are roughly
7 six times the national average and about three times
8 higher than any State, and many of these homicides
9 are linked to the drug trade.

10 (10) The Department of Defense has raised
11 questions as to whether it should continue to admin-
12 ister the TARS program or, alternatively, whether
13 responsibility for this program should be vested in
14 the Department of Homeland Security.

15 (b) SENSE OF CONGRESS.—In light of the findings
16 under subsection (a), it is the sense of Congress that—

17 (1) irrespective of whether the Department of
18 Defense continues to be responsible for the
19 Counterdrug Tethered Aerostat Radar System
20 (TARS) program or such responsibility is assigned
21 to another agency, Congress and the responsible
22 agency should fund the TARS program; and

23 (2) Congress and the responsible agency should
24 take all appropriate steps to ensure that the eight
25 current tethered aerostat systems are fully func-

1 tional and, in particular, to ensure that the TARS
2 program is providing coverage to protect jurisdic-
3 tions of the United States in the Caribbean region,
4 as well as jurisdictions of the United States along
5 the United States-Mexico border and in the Florida
6 Straits.

7 **Subtitle C—Naval Vessels and** 8 **Shipyards**

9 **SEC. 1021. POLICY RELATING TO MAJOR COMBATANT VES-** 10 **SELS OF THE STRIKE FORCES OF THE** 11 **UNITED STATES NAVY.**

12 Section 1012 of the National Defense Authorization
13 Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
14 303), as most recently amended by section 1015 of the
15 Duncan Hunter National Defense Authorization Act for
16 Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4586),
17 is amended by striking “Secretary of Defense” and all
18 that follows through the period and inserting the fol-
19 lowing: “Secretary the Navy notifies the congressional de-
20 fense committees that, as a result of a cost-benefit anal-
21 ysis, it would not be practical for the Navy to design the
22 class of ships with an integrated nuclear power system.”.

1 **Subtitle D—Counterterrorism**

2 **SEC. 1031. FINDINGS ON DETENTION PURSUANT TO THE** 3 **AUTHORIZATION FOR USE OF MILITARY** 4 **FORCE ENACTED IN 2001.**

5 Congress finds the following:

6 (1) In 2001, Congress passed, and the Presi-
7 dent signed, the Authorization for Use of Military
8 Force (Public Law 107–40; 50 U.S.C. 1541 note)
9 (hereinafter referred to as the “AUMF”), which au-
10 thorized the President to “use all necessary and ap-
11 propriate force” against those responsible for the at-
12 tacks of September 11, 2001, and those who har-
13 bored them “in order to prevent any future acts of
14 international terrorism against the United States”.

15 (2) In 2004, the Supreme Court held in *Hamdi*
16 *v. Rumsfeld* that the AUMF authorized the Presi-
17 dent to detain individuals, including a United States
18 citizen captured in Afghanistan and later detained in
19 the United States, legitimately determined to be
20 “engaged in armed conflict against the United
21 States” until the end of hostilities, noting that
22 “[W]e understand Congress’ grant of authority for
23 the use of ‘necessary and appropriate force’ to in-
24 clude the authority to detain for the duration of the

1 relevant conflict, and our understanding is based on
2 longstanding law-of-war principles”.

3 (3) The Court reaffirmed the long-standing
4 principle of American law that a United States cit-
5 izen may not be detained in the United States pur-
6 suant to the AUMF without due process of law,
7 stating the following:

8 (A) “Striking the proper constitutional bal-
9 ance here is of great importance to the Nation
10 during this period of ongoing combat. But it is
11 equally vital that our calculus not give short
12 shrift to the values that this country holds dear
13 or to the privilege that is American citizen-
14 ship.”.

15 (B) “It is during our most challenging and
16 uncertain moments that our Nation’s commit-
17 ment to due process is most severely tested; and
18 it is in those times that we must preserve our
19 commitment at home to the principles for which
20 we fight abroad.”.

21 (C) “[A] state of war is not a blank check
22 for the President when it comes to the rights of
23 the Nation’s citizens.”.

1 (D) “[A]bsent suspension, the writ of ha-
2 beas corpus remains available to every indi-
3 vidual detained within the United States.”.

4 (E) “All agree suspension of the writ has
5 not occurred here.”.

6 (F) “[A]n enemy combatant must receive
7 notice of the factual basis for his classification,
8 and a fair opportunity to rebut the Govern-
9 ment’s factual assertions before a neutral deci-
10 sionmaker.”.

11 (G) “Whatever power the United States
12 Constitution envisions for the Executive in its
13 exchanges with other nations or with enemy or-
14 ganizations in times of conflict, it most as-
15 suredly envisions a role for all three branches
16 when individual liberties are at stake.”.

17 (H) “[U]nless Congress acts to suspend it,
18 the Great Writ of habeas corpus allows the Ju-
19 dicial Branch to play a necessary role in main-
20 taining this delicate balance of governance,
21 serving as an important judicial check on the
22 Executive’s discretion in the realm of deten-
23 tions.”.

24 (I) “We reaffirm today the fundamental
25 nature of a citizen’s right to be free from invol-

1 untary confinement by his own government
2 without due process of law, and we weigh the
3 opposing governmental interests against the
4 curtailment of liberty that such confinement en-
5 tails.”.

6 (4) In 2008, in *Boumediene v. Bush*, the Su-
7 preme Court also extended the constitutional right
8 to habeas corpus to the foreign detainees held pursu-
9 ant to the AUMF at the United States Naval Sta-
10 tion, Guantanamo Bay, Cuba.

11 (5) Chapter 47A of title 10, United States
12 Code, as originally enacted by the Military Commis-
13 sions Act of 2006 (Public Law 109–366), only al-
14 lows for prosecution of foreign terrorists by military
15 commission.

16 (6) In 2011, with the enactment of the Na-
17 tional Defense Authorization Act for Fiscal Year
18 2012 (Public Law 112–81), Congress and the Presi-
19 dent affirmed the authority of the Armed Forces of
20 the United States to detain pursuant to the AUMF
21 a person who planned, authorized, committed, or
22 aided the terrorist attacks that occurred on Sep-
23 tember 11, 2001, or harbored those responsible for
24 those attacks, or a person who was a part of or sub-
25 stantially supported al-Qaeda, the Taliban, or associ-

1 ated forces that are engaged in hostilities against
2 the United States or its coalition partners, including
3 any person who has committed a belligerent act or
4 has directly supported such hostilities in aid of such
5 enemy forces.

6 (7) The interpretation of the detention author-
7 ity provided by the AUMF under the National De-
8 fense Authorization Act for Fiscal Year 2012 is the
9 same as the interpretation used by the Obama ad-
10 ministration in its legal filings in Federal court and
11 is nearly identical to the interpretation used by the
12 Bush administration. This interpretation has also
13 been upheld by the United States Court of Appeals
14 for the District of Columbia Circuit.

15 (8) Such Act also requires the Secretary of De-
16 fense to regularly brief Congress regarding the ap-
17 plication of the detention authority provided by the
18 AUMF.

19 (9) Section 1021 of such Act states that “Noth-
20 ing in this section shall be construed to affect exist-
21 ing law or authorities relating to the detention of
22 United States citizens, lawful resident aliens of the
23 United States, or any other persons who are cap-
24 tured or arrested in the United States.”.

1 **SEC. 1032. FINDINGS REGARDING HABEAS CORPUS RIGHTS.**

2 Congress finds the following:

3 (1) Article 1, section 9 of the Constitution
4 states “The Privilege of the Writ of Habeas Corpus
5 shall not be suspended, unless when in Cases of Re-
6 bellion or Invasion the public Safety may require
7 it.”.

8 (2) Regarding the Great Writ, the Supreme
9 Court has noted “The writ of habeas corpus is the
10 fundamental instrument for safeguarding individual
11 freedom against arbitrary and lawless state action.”.

12 **SEC. 1033. RIGHTS UNAFFECTED.**

13 (a) **RULE OF CONSTRUCTION.**—Nothing in the Au-
14 thorization for Use of Military Force (Public Law 107–
15 40; 50 U.S.C. 1541 note) or the National Defense Author-
16 ization Act for Fiscal Year 2012 (Public Law 112–81)
17 shall be construed to deny the availability of the writ of
18 habeas corpus or to deny any Constitutional rights in a
19 court ordained or established by or under Article III of
20 the Constitution for any person who is lawfully in the
21 United States when detained pursuant to the Authoriza-
22 tion for Use of Military Force (Public Law 107–40; 50
23 U.S.C. 1541 note) and who is otherwise entitled to the
24 availability of such writ or such rights.

25 (b) **NOTIFICATION OF DETENTION OF PERSONS**
26 **UNDER AUTHORIZATION FOR USE OF MILITARY**

1 FORCE.—Not later than 48 hours after the date on which
2 a person who is lawfully in the United States is detained
3 pursuant to the Authorization for Use of Military Force
4 (Public Law 107–40; 50 U.S.C. 1541 note), the President
5 shall notify Congress of the detention of such person.

6 (c) HABEAS APPLICATIONS.—A person who is law-
7 fully in the United States when detained pursuant to the
8 Authorization for Use of Military Force (Public Law 107–
9 40; 50 U.S.C. 1541 note) shall be allowed to file an appli-
10 cation for habeas corpus relief in an appropriate district
11 court not later than 30 days after the date on which such
12 person is placed in military custody.

13 **SEC. 1034. EXTENSION OF AUTHORITY TO MAKE REWARDS**
14 **FOR COMBATING TERRORISM.**

15 (a) EXTENSION.—Section 127b(e)(3)(C) of title 10,
16 United States Code, is amended by striking “September
17 30, 2013” and inserting “September 30, 2014”.

18 (b) REPORT TO CONGRESS.—Not later than 180 days
19 after the date of the enactment of this Act, the Secretary
20 of Defense shall submit to the congressional defense com-
21 mittees a report that outlines the future requirements and
22 authorities to make rewards for combating terrorism. The
23 report shall include—

24 (1) an analysis of future requirements under
25 section 127b of title 10, United States Code;

1 (2) a detailed description of requirements for
2 rewards in support of operations with allied forces;
3 and

4 (3) an overview of geographic combatant com-
5 mander requirements through September 30, 2014.

6 **SEC. 1035. PROHIBITION ON TRAVEL TO THE UNITED**
7 **STATES FOR CERTAIN DETAINEES REPATRI-**
8 **ATED TO THE FEDERATED STATES OF MICRO-**
9 **NESIA, THE REPUBLIC OF PALAU, AND THE**
10 **REPUBLIC OF THE MARSHALL ISLANDS.**

11 (a) PROHIBITION ON TRAVEL TO THE UNITED
12 STATES.—Notwithstanding any provision of the applicable
13 Compact of Free Association described in subsection (c),
14 an individual described in subsection (b) who has been re-
15 patriated to the Federated States of Micronesia, the Re-
16 public of the Marshall Islands, or the Republic of Palau
17 may not be afforded the rights and benefits put forth in
18 section 141 of such applicable Compact of Free Associa-
19 tion.

20 (b) INDIVIDUAL DESCRIBED.—An individual de-
21 scribed in this subsection is an individual who—

22 (1) is not a citizen of the United States or a
23 member of the Armed Forces of the United States;
24 and

1 (2) is or was located at United States Naval
2 Station, Guantanamo Bay, Cuba, on or after Sep-
3 tember 11, 2001, while—

4 (A) in the custody or under the effective
5 control of the Department of Defense; or

6 (B) otherwise under detention at United
7 States Naval Station, Guantanamo Bay, Cuba.

8 (c) APPLICABLE COMPACT OF FREE ASSOCIATION.—

9 The applicable Compact of Free Association described in
10 this subsection is—

11 (1) with respect to an individual repatriated to
12 the Federal States of Micronesia, the Compact of
13 Free Association, as amended, between the Govern-
14 ment of the United States of America and the Gov-
15 ernment of the Federated States of Micronesia as
16 set forth in section 201(a) of the Compact of Free
17 Association Amendments Act of 2003 (Public Law
18 108–188; 48 U.S.C. 1921 note);

19 (2) with respect to an individual repatriated to
20 the Republic of the Marshall Islands, the Compact
21 of Free Association, as amended, between the Gov-
22 ernment of the United States of America and the
23 Government of the Republic of the Marshall Islands
24 as set forth in section 201(b) of the Compact of

1 Free Association Amendments Act of 2003 (Public
2 Law 108–188; 48 U.S.C. 1921 note); and

3 (3) with respect to an individual repatriated to
4 the Republic of Palau, the Compact of Free Associa-
5 tion between the Government of the United States
6 of America and the Government of Palau as set
7 forth in section 201 of the joint resolution entitled
8 “A Joint Resolution to approve the ‘Compact of
9 Free Association’ between the United States and the
10 Government of Palau, and for other purposes”, ap-
11 proved November 14, 1986 (Public Law 99–658; 48
12 U.S.C. 1931 note).

13 **SEC. 1036. PROHIBITION ON THE USE OF FUNDS FOR THE**
14 **TRANSFER OR RELEASE OF INDIVIDUALS DE-**
15 **TAINED AT UNITED STATES NAVAL STATION,**
16 **GUANTANAMO BAY, CUBA.**

17 None of the funds authorized to be appropriated by
18 this Act for fiscal year 2013 may be used to transfer, re-
19 lease, or assist in the transfer or release to or within the
20 United States, its territories, or possessions of Khalid
21 Sheikh Mohammed or any other detainee who—

22 (1) is not a United States citizen or a member
23 of the Armed Forces of the United States; and

1 (2) is or was held on or after January 20,
2 2009, at United States Naval Station, Guantanamo
3 Bay, Cuba, by the Department of Defense.

4 **SEC. 1037. REQUIREMENTS FOR CERTIFICATIONS RELAT-**
5 **ING TO THE TRANSFER OF DETAINEES AT**
6 **UNITED STATES NAVAL STATION, GUANTA-**
7 **NAMO BAY, CUBA, TO FOREIGN COUNTRIES**
8 **AND OTHER FOREIGN ENTITIES.**

9 (a) CERTIFICATION REQUIRED PRIOR TO TRANS-
10 FER.—

11 (1) IN GENERAL.—Except as provided in para-
12 graph (2) and subsection (d), the Secretary of De-
13 fense may not use any amounts authorized to be ap-
14 propriated or otherwise available to the Department
15 of Defense for fiscal year 2013 to transfer any indi-
16 vidual detained at Guantanamo to the custody or
17 control of the individual's country of origin, any
18 other foreign country, or any other foreign entity
19 unless the Secretary submits to Congress the certifi-
20 cation described in subsection (b) not later than 30
21 days before the transfer of the individual.

22 (2) EXCEPTION.—Paragraph (1) shall not
23 apply to any action taken by the Secretary to trans-
24 fer any individual detained at Guantanamo to effec-
25 tuate an order affecting the disposition of the indi-

1 vidual that is issued by a court or competent tri-
2 bunal of the United States having lawful jurisdiction
3 (which the Secretary shall notify Congress of
4 promptly after issuance).

5 (b) CERTIFICATION.—A certification described in this
6 subsection is a written certification made by the Secretary
7 of Defense, with the concurrence of the Secretary of State
8 and in consultation with the Director of National Intel-
9 ligence, that—

10 (1) the government of the foreign country or
11 the recognized leadership of the foreign entity to
12 which the individual detained at Guantanamo is to
13 be transferred—

14 (A) is not a designated state sponsor of
15 terrorism or a designated foreign terrorist orga-
16 nization;

17 (B) maintains control over each detention
18 facility in which the individual is to be detained
19 if the individual is to be housed in a detention
20 facility;

21 (C) is not, as of the date of the certifi-
22 cation, facing a threat that is likely to substan-
23 tially affect its ability to exercise control over
24 the individual;

1 (D) has taken or agreed to take effective
2 actions to ensure that the individual cannot
3 take action to threaten the United States, its
4 citizens, or its allies in the future;

5 (E) has taken or agreed to take such ac-
6 tions as the Secretary of Defense determines
7 are necessary to ensure that the individual can-
8 not engage or reengage in any terrorist activity;
9 and

10 (F) has agreed to share with the United
11 States any information that—

12 (i) is related to the individual or any
13 associates of the individual; and

14 (ii) could affect the security of the
15 United States, its citizens, or its allies; and

16 (2) includes an assessment, in classified or un-
17 classified form, of the capacity, willingness, and past
18 practices (if applicable) of the foreign country or en-
19 tity in relation to the Secretary's certifications.

20 (c) PROHIBITION IN CASES OF PRIOR CONFIRMED
21 RECIDIVISM.—

22 (1) PROHIBITION.—Except as provided in para-
23 graph (2) and subsection (d), the Secretary of De-
24 fense may not use any amounts authorized to be ap-
25 propriated or otherwise made available to the De-

1 partment of Defense to transfer any individual de-
2 tained at Guantanamo to the custody or control of
3 the individual's country of origin, any other foreign
4 country, or any other foreign entity if there is a con-
5 firmed case of any individual who was detained at
6 United States Naval Station, Guantanamo Bay,
7 Cuba, at any time after September 11, 2001, who
8 was transferred to such foreign country or entity
9 and subsequently engaged in any terrorist activity.

10 (2) EXCEPTION.—Paragraph (1) shall not
11 apply to any action taken by the Secretary to trans-
12 fer any individual detained at Guantanamo to effec-
13 tuate an order affecting the disposition of the indi-
14 vidual that is issued by a court or competent tri-
15 bunal of the United States having lawful jurisdiction
16 (which the Secretary shall notify Congress of
17 promptly after issuance).

18 (d) NATIONAL SECURITY WAIVER.—

19 (1) IN GENERAL.—The Secretary of Defense
20 may waive the applicability to a detainee transfer of
21 a certification requirement specified in subparagraph
22 (D) or (E) of subsection (b)(1) or the prohibition in
23 subsection (c), if the Secretary certifies the rest of
24 the criteria required by subsection (b) for transfers
25 prohibited by subsection (c) and, with the concur-

1 rence of the Secretary of State and in consultation
2 with the Director of National Intelligence, deter-
3 mines that—

4 (A) alternative actions will be taken to ad-
5 dress the underlying purpose of the requirement
6 or requirements to be waived;

7 (B) in the case of a waiver of subpara-
8 graph (D) or (E) of subsection (b)(1), it is not
9 possible to certify that the risks addressed in
10 the paragraph to be waived have been com-
11 pletely eliminated, but the actions to be taken
12 under subparagraph (A) will substantially miti-
13 gate such risks with regard to the individual to
14 be transferred;

15 (C) in the case of a waiver of subsection
16 (c), the Secretary has considered any confirmed
17 case in which an individual who was transferred
18 to the country subsequently engaged in terrorist
19 activity, and the actions to be taken under sub-
20 paragraph (A) will substantially mitigate the
21 risk of recidivism with regard to the individual
22 to be transferred; and

23 (D) the transfer is in the national security
24 interests of the United States.

1 (2) REPORTS.—Whenever the Secretary makes
2 a determination under paragraph (1), the Secretary
3 shall submit to the appropriate committees of Con-
4 gress, not later than 30 days before the transfer of
5 the individual concerned, the following:

6 (A) A copy of the determination and the
7 waiver concerned.

8 (B) A statement of the basis for the deter-
9 mination, including—

10 (i) an explanation why the transfer is
11 in the national security interests of the
12 United States; and

13 (ii) in the case of a waiver of subpara-
14 graph (D) or (E) of subsection (b)(1), an
15 explanation why it is not possible to certify
16 that the risks addressed in the subpara-
17 graph to be waived have been completely
18 eliminated.

19 (C) A summary of the alternative actions
20 to be taken to address the underlying purpose
21 of, and to mitigate the risks addressed in, the
22 subparagraph or subsection to be waived.

23 (D) The assessment required by subsection
24 (b)(2).

25 (e) DEFINITIONS.—In this section:

1 (1) The term “appropriate committees of Con-
2 gress” means—

3 (A) the Committee on Armed Services, the
4 Committee on Appropriations, and the Select
5 Committee on Intelligence of the Senate; and

6 (B) the Committee on Armed Services, the
7 Committee on Appropriations, and the Perma-
8 nent Select Committee on Intelligence of the
9 House of Representatives.

10 (2) The term “individual detained at Guanta-
11 namo” means any individual located at United
12 States Naval Station, Guantanamo Bay, Cuba, as of
13 October 1, 2009, who—

14 (A) is not a citizen of the United States or
15 a member of the Armed Forces of the United
16 States; and

17 (B) is—

18 (i) in the custody or under the control
19 of the Department of Defense; or

20 (ii) otherwise under detention at
21 United States Naval Station, Guantanamo
22 Bay, Cuba.

23 (3) The term “foreign terrorist organization”
24 means any organization so designated by the Sec-

1 retary of State under section 219 of the Immigra-
2 tion and Nationality Act (8 U.S.C. 1189).

3 **SEC. 1038. PROHIBITION ON USE OF FUNDS TO CONSTRUCT**
4 **OR MODIFY FACILITIES IN THE UNITED**
5 **STATES TO HOUSE DETAINEES TRANS-**
6 **FERRED FROM UNITED STATES NAVAL STA-**
7 **TION, GUANTANAMO BAY, CUBA.**

8 (a) **IN GENERAL.**—No amounts authorized to be ap-
9 propriated or otherwise made available to the Department
10 of Defense for fiscal year 2013 may be used to construct
11 or modify any facility in the United States, its territories,
12 or possessions to house any individual detained at Guanta-
13 namo for the purposes of detention or imprisonment in
14 the custody or under the control of the Department of De-
15 fense unless authorized by Congress.

16 (b) **EXCEPTION.**—The prohibition in subsection (a)
17 shall not apply to any modification of facilities at United
18 States Naval Station, Guantanamo Bay, Cuba.

19 (c) **INDIVIDUAL DETAINED AT GUANTANAMO DE-**
20 **FINED.**—In this section, the term “individual detained at
21 Guantanamo” has the meaning given that term in section
22 1037(e)(2).

1 **SEC. 1039. REPORTS ON RECIDIVISM OF INDIVIDUALS DE-**
2 **TAINED AT UNITED STATES NAVAL STATION,**
3 **GUANTANAMO BAY, CUBA, THAT HAVE BEEN**
4 **TRANSFERRED TO FOREIGN COUNTRIES.**

5 (a) REPORT ON FACTORS CAUSING OR CONTRIB-
6 UTING TO RECIDIVISM.—Not later than 60 days after the
7 date of the enactment of this Act, and annually thereafter
8 for five years, the Director of the Defense Intelligence
9 Agency, in consultation with the head of each element of
10 the intelligence community that the Director considers ap-
11 propriate, shall submit to the covered congressional com-
12 mittees a report assessing the factors that cause or con-
13 tribute to the recidivism of individuals detained at Guan-
14 tanamo that are transferred or released to a foreign coun-
15 try, including a discussion of trends, by country and re-
16 gion, where recidivism has occurred.

17 (b) REPORT ON EFFECTIVENESS OF INTERNATIONAL
18 AGREEMENTS.—Not later than 60 days after the date of
19 the enactment of this Act, the Secretary of State, with
20 the concurrence of the Secretary of Defense, shall submit
21 to the covered congressional committees, the Committee
22 on Foreign Affairs of the House of Representatives, and
23 the Committee on Foreign Relations of the Senate a re-
24 port assessing the effectiveness of international agree-
25 ments relating to the transfer or release of individuals de-
26 tained at Guantanamo between the United States and

1 each foreign country to which an individual detained at
2 Guantanamo has been transferred or released.

3 (c) FORM.—The reports required under subsections
4 (a) and (b) shall be submitted in unclassified form, but
5 may include a classified annex.

6 (d) DEFINITIONS.—In this section:

7 (1) COVERED CONGRESSIONAL COMMITTEES.—

8 The term “covered congressional committees”
9 means—

10 (A) the Committee on Armed Services and
11 the Permanent Select Committee on Intelligence
12 of the House of Representatives; and

13 (B) the Committee on Armed Services and
14 the Select Committee on Intelligence of the
15 Senate.

16 (2) INDIVIDUAL DETAINED AT GUANTANAMO.—

17 The term “individual detained at Guantanamo”
18 means any individual that is or was located at
19 United States Naval Station, Guantanamo Bay,
20 Cuba, who—

21 (A) is not a citizen of the United States or
22 a member of the Armed Forces of the United
23 States; and

24 (B) is or was—

1 (i) in the custody or under the control
2 of the Department of Defense; or

3 (ii) otherwise under detention at
4 United States Naval Station, Guantanamo
5 Bay, Cuba.

6 **SEC. 1040. NOTICE AND REPORT ON USE OF NAVAL VES-**
7 **SELS FOR DETENTION OF INDIVIDUALS CAP-**
8 **TURED OUTSIDE AFGHANISTAN PURSUANT**
9 **TO THE AUTHORIZATION FOR USE OF MILI-**
10 **TARY FORCE.**

11 (a) NOTICE TO CONGRESS.—Not later than 5 days
12 after first detaining an individual who is captured pursu-
13 ant to the Authorization for Use of Military Force on a
14 naval vessel outside the United States, the Secretary of
15 Defense shall submit to the Committees on Armed Serv-
16 ices of the Senate and House of Representatives notice
17 of the detention.

18 (b) REPORT.—

19 (1) IN GENERAL.—Not later than 90 days after
20 the date of the enactment of this Act, the Secretary
21 of Defense shall submit to the Committees on Armed
22 Services of the Senate and House of Representatives
23 a report on the use of naval vessels for the detention
24 outside the United States of any individual who is
25 captured pursuant to the Authorization for Use of

1 Military Force (Public Law 107–40; 50 U.S.C. 1541
2 note). Such report shall include—

3 (A) procedures and any limitations on de-
4 taining such individuals at sea on board United
5 States naval vessels;

6 (B) an assessment of any force protection
7 issues associated with detaining such individ-
8 uals on such vessels;

9 (C) an assessment of the likely effect of
10 such detentions on the original mission of the
11 naval vessel; and

12 (D) any restrictions on long-term detention
13 of individuals on United States naval vessels.

14 (2) FORM OF REPORT.—The report required
15 under paragraph (1) shall be submitted in unclassi-
16 fied form but may contain a classified annex.

17 **SEC. 1041. NOTICE REQUIRED PRIOR TO TRANSFER OF**
18 **CERTAIN INDIVIDUALS DETAINED AT THE**
19 **DETENTION FACILITY AT PARWAN, AFGHANI-**
20 **STAN.**

21 (a) NOTICE REQUIRED.—The Secretary of Defense
22 shall submit to the appropriate congressional committees
23 notice in writing of the proposed transfer of any individual
24 detained pursuant to the Authorization for Use of Military
25 Force (Public Law 107–40; 50 U.S.C. 1541 note) who is

1 a national of a country other than the United States or
2 Afghanistan from detention at the Detention Facility at
3 Parwan, Afghanistan, to the custody of the Government
4 of Afghanistan or of any other country. Such notice shall
5 be provided not later than 10 days before such a transfer
6 may take place.

7 (b) **ADDITIONAL ASSESSMENTS AND CERTIFI-**
8 **CATIONS.**—As part of the notice required under subsection
9 (a), the Secretary shall include the following:

10 (1) In the case of the proposed transfer of such
11 an individual by reason of the individual being re-
12 leased, an assessment of the threat posed by the in-
13 dividual and the security environment of the country
14 to which the individual is to be transferred.

15 (2) In the case of the proposed transfer of such
16 an individual to a country other than Afghanistan
17 for the purpose of the prosecution of the individual,
18 a certification that an assessment has been con-
19 ducted regarding the capacity, willingness, and his-
20 torical track record of the country with respect to
21 prosecuting similar cases, including a description of
22 the evidence against the individual that is likely to
23 be admissible as part of the prosecution.

24 (3) In the case of the proposed transfer of such
25 an individual for reintegration or rehabilitation in a

1 country other than Afghanistan, a certification that
2 an assessment has been conducted regarding the ca-
3 pacity, willingness, and historical track records of
4 the country for reintegrating or rehabilitating simi-
5 lar individuals.

6 (4) In the case of the proposed transfer of such
7 an individual to the custody of the government of
8 Afghanistan for prosecution or detention, a certifi-
9 cation that an assessment has been conducted re-
10 garding the capacity, willingness, and historical
11 track record of Afghanistan to prosecute or detain
12 long-term such individuals.

13 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
14 FINED.—In this section, the term “appropriate congres-
15 sional committees” means the Committee on Armed Serv-
16 ices and the Committee on Foreign Affairs of the House
17 of Representatives and the Committee on Armed Services
18 and the Committee on Foreign Relations of the Senate.

19 **SEC. 1042. REPORT ON RECIDIVISM OF INDIVIDUALS FOR-**
20 **MERLY DETAINED AT THE DETENTION FACIL-**
21 **ITY AT PARWAN, AFGHANISTAN.**

22 (a) REPORT.—Not later than 90 days after the date
23 of the enactment of this Act, the Secretary of Defense
24 shall submit to the relevant congressional committees a
25 report that—

1 (1) assesses recidivism rates and the factors
2 that cause or contribute to the recidivism of individ-
3 uals formerly detained at the Detention Facility at
4 Parwan, Afghanistan, who are transferred or re-
5 leased, with particular emphasis on individuals
6 transferred or released in connection with reconcili-
7 ation efforts or peace negotiations; and

8 (2) includes a general rationale of the Com-
9 mander, International Security Assistance Force, as
10 to why such individuals were released.

11 (b) FORM.—The report required under subsection (a)
12 shall be submitted in unclassified form, but may include
13 a classified annex.

14 (c) RELEVANT CONGRESSIONAL COMMITTEES DE-
15 FINED.—In this section, the term “relevant congressional
16 committees” means—

17 (1) the Committee on Armed Services and the
18 Committee on Foreign Relations of the Senate; and

19 (2) the Committee on Armed Services and the
20 Committee on Foreign Affairs of the House of Rep-
21 resentatives.

1 **SEC. 1043. ADDITIONAL REQUIREMENTS RELATING TO THE**
2 **TRANSFER OF INDIVIDUALS DETAINED AT**
3 **GUANTANAMO TO FOREIGN COUNTRIES AND**
4 **OTHER FOREIGN ENTITIES.**

5 Section 1028 of the National Defense Authorization
6 Act for Fiscal Year 2012 (Public Law 112–81) is amend-
7 ed—

8 (1) in subsection (a)(1)—

9 (A) by striking “the certification described
10 in subsection (b) not later than 30 days before
11 the transfer of the individual” and inserting
12 “by not later than 90 days before the transfer
13 each of the following;”; and

14 (B) by adding at the end the following new
15 subparagraphs:

16 “(A) The certification described in sub-
17 section (b).

18 “(B) An assessment of the likelihood that
19 the individual to be transferred will engage in
20 terrorist activity after the transfer takes place.

21 “(C) A detailed summary, in classified or
22 unclassified form, of the individual’s history of
23 associations with foreign terrorist organizations
24 and the individual’s record of cooperation while
25 in the custody of or under the effective control
26 of the Department of Defense.”; and

1 (2) in subsection (d)(2)—

2 (A) by striking “30 days” and inserting
3 “90 days”; and

4 (B) by adding at the end the following new
5 subparagraphs:

6 “(E) An assessment of the likelihood that
7 the individual to be transferred will engage in
8 terrorist activity after the transfer takes place.

9 “(F) A detailed summary, in classified or
10 unclassified form, of the individual’s history of
11 associations with foreign terrorist organizations
12 and the individual’s record of cooperation while
13 in the custody of or under the effective control
14 of the Department of Defense.”.

15 **Subtitle E—Nuclear Forces**

16 **SEC. 1051. NUCLEAR WEAPONS EMPLOYMENT STRATEGY** 17 **OF THE UNITED STATES.**

18 (a) SENSE OF CONGRESS.—Subsection (a) of section
19 1046 of the National Defense Authorization Act for Fiscal
20 Year 2012 (Public Law 112–81; 125 Stat. 1579) is
21 amended to read as follows:

22 “(a) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that—

24 “(1) any future modification to the nuclear
25 weapons employment strategy, plans, and options of

1 the United States should maintain or enhance the
2 ability of the nuclear forces of the United States to
3 support the goals of the United States with respect
4 to nuclear deterrence, extended deterrence, and as-
5 surances for allies, and the defense of the United
6 States; and

7 “(2) the oversight responsibility of Congress in-
8 cludes oversight of the nuclear weapons employment
9 strategy, plans, and options of the United States
10 and that therefore the Chairmen and Ranking Mem-
11 bers of the Committees on Armed Services of the
12 Senate and House of Representatives, and such pro-
13 fessional staff as they designate, should have access
14 to the nuclear weapons employment strategy, plans,
15 and options of the United States.”.

16 (b) REPORTS ON STRATEGY.—Section 491 of title
17 10, United States Code, is—

18 (1) transferred to chapter 24 of such title, as
19 added by subsection (c)(1); and

20 (2) amended—

21 (A) in the heading, by inserting “**weap-**
22 **ons**” after “**Nuclear**”;

23 (B) by striking “nuclear employment strat-
24 egy” each place it appears and inserting “nu-
25 clear weapons employment strategy”;

1 (C) in paragraph (1)—

2 (i) by inserting “the” after “modifica-
3 tions to”; and

4 (ii) by inserting “, plans, and options”
5 after “employment strategy”;

6 (D) by inserting after paragraph (3) the
7 following new paragraph:

8 “(4) the extent to which such modifications in-
9 clude an increased reliance on conventional or non-
10 nuclear global strike capabilities or missile defenses
11 of the United States.”;

12 (E) by striking “On the date” and insert-
13 ing “(a) REPORTS.—On the date”; and

14 (F) by adding at the end the following new
15 subsection:

16 “(b) ANNUAL BRIEFINGS.—Not later than March 15
17 of each year, the Secretary of Defense shall provide to the
18 congressional defense committees a briefing regarding the
19 nuclear weapons employment strategy, plans, and options
20 of the United States.”.

21 (c) CLERICAL AND CONFORMING AMENDMENTS.—

22 (1) CHAPTER 24.—Part I of subtitle A of title
23 10, United States Code, is amended by adding at
24 the end the following new chapter:

1 **“CHAPTER 24—NUCLEAR POSTURE**

“Sec.

“491. Nuclear weapons employment strategy of the United States: modification of strategy.”.

2 (2) TABLE OF CHAPTERS.—The table of chap-
3 ters at the beginning of subtitle A of title 10, United
4 States Code, and at the beginning of part I of such
5 subtitle, are each amended by inserting after the
6 item relating to chapter 23 the following new item:

“24. Nuclear posture 491”.

7 (3) TRANSFER OF PROVISIONS.—

8 (A) CHAPTER 23.—Chapter 23 of title 10,
9 United States Code, is amended as follows:

10 (i) Section 490a is—

11 (I) transferred to chapter 24 of
12 such title, as added by paragraph (1);

13 (II) inserted after section 491 of
14 such title, as added to such chapter
15 24 by subsection (b)(1); and

16 (III) redesignated as section 492.

17 (ii) The table of sections at the begin-
18 ning of such chapter 23 is amended by
19 striking the items relating to sections 490a
20 and 491.

21 (B) FY12 NDAA.—Section 1077 of the Na-
22 tional Defense Authorization Act for Fiscal

1 Year 2012 (Public Law 112–81; 50 U.S.C.
2 2514) is—

3 (i) transferred to chapter 24 of title
4 10, United States Code, as added by para-
5 graph (1);

6 (ii) inserted after section 492 of such
7 title, as added by subparagraph (A)(i);

8 (iii) redesignated as section 493; and

9 (iv) amended by striking “the date of
10 the enactment of this Act” and inserting
11 “December 31, 2011,”.

12 (C) CHAPTER 24.—The table of sections at
13 the beginning of chapter 24 of title 10, United
14 States Code, as added by paragraph (1), is
15 amended by inserting after the item relating to
16 section 491 the following new items:

“492. Biennial assessment and report on the delivery platforms for nuclear
weapons and the nuclear command and control system.

“493. Reports to Congress on the modification of the force structure for the
strategic nuclear weapons delivery systems of the United
States.”.

17 (4) CONFORMING AMENDMENT.—Section
18 1041(b) of the National Defense Authorization Act
19 for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
20 1574) is amended by striking “section 490a of title
21 10, United States Code, as added by subsection
22 (a),” and inserting “section 492 of title 10, United
23 States Code,”.

1 **SEC. 1052. COMMITMENTS FOR NUCLEAR WEAPONS STOCK-**
2 **PILE MODERNIZATION.**

3 (a) FINDINGS.—Congress finds the following:

4 (1) In 2008, then Secretary of Defense Robert
5 Gates warned that “to be blunt, there is absolutely
6 no way we can maintain a credible deterrent and re-
7 duce the number of weapons in our stockpile without
8 either resorting to testing our stockpile or pursuing
9 a modernization program.”.

10 (2) Secretary Gates also warned in September
11 2009 that modernization is a prerequisite to nuclear
12 force reductions, stating that modernizing the nu-
13 clear capability of the United States is an “enabler
14 of arms control and our ability to reduce the size of
15 our nuclear stockpile. When we have more con-
16 fidence in the long-term viability of our weapons sys-
17 tems, then our ability to reduce the number of weap-
18 ons we must keep in the stockpile is enhanced.”.

19 (3) President Obama’s 2010 Nuclear Posture
20 Review stated that—

21 (A) “In order to sustain a safe, secure,
22 and effective United States nuclear stockpile as
23 long as nuclear weapons exist, the United
24 States must possess a modern physical infra-
25 structure—comprised of the national security

1 laboratories and a complex of supporting facili-
2 ties.”; and

3 (B) “[I]mplementation of the Stockpile
4 Stewardship Program and the nuclear infra-
5 structure investments recommended in the NPR
6 will allow the United States to shift away from
7 retaining large numbers of non-deployed war-
8 heads as a hedge against technical or geo-
9 political surprise, allowing major reductions in
10 the nuclear stockpile. These investments are es-
11 sential to facilitating reductions while sus-
12 taining deterrence under New START and be-
13 yond.”.

14 (4) Section 1251 of the National Defense Au-
15 thorization Act for Fiscal Year 2010 (Public Law
16 111–84; 123 Stat. 2549) required the President to
17 submit a report to Congress on the plan for the nu-
18 clear weapons stockpile, nuclear weapons complex,
19 and delivery platforms at the time a follow-on treaty
20 to the Strategic Arms Reduction Treaty was sub-
21 mitted by the President to the Senate. The Presi-
22 dent submitted such report in May 2010 and sub-
23 mitted updates in November 2010 and February
24 2011.

1 (5) Such section 1251 also contained a sense of
2 Congress that “the enhanced safety, security, and
3 reliability of the nuclear weapons stockpile, mod-
4 ernization of the nuclear weapons complex, and
5 maintenance of nuclear delivery systems are key to
6 enabling further reductions in the nuclear forces of
7 the United States.”.

8 (6) Forty-one Senators wrote to President
9 Obama on December 15, 2009, stating, “we don’t
10 believe further reductions can be in the national se-
11 curity interest of the United States in the absence
12 of a significant program to modernize our nuclear
13 deterrent.”.

14 (7) Former Secretary of Defense and Secretary
15 of Energy James Schlesinger stated, while testifying
16 before the Committee on Foreign Relations of the
17 Senate in April 2010, “I believe that it is immensely
18 important for the Senate to ensure, what the Admin-
19 istration has stated as its intent, i.e., that there be
20 a robust plan with a continuation of its support over
21 the full 10 years, before it proceeds to ratify this
22 START follow-on treaty.”.

23 (8) Former Secretary of State James Baker
24 stated in testimony before the Committee on Foreign
25 Relations of the Senate in May 2010 that “because

1 our security is based upon the safety and reliability
2 of our nuclear weapons, it is important that our
3 Government budget enough money to guarantee that
4 those weapons can carry out their mission.”.

5 (9) Former Secretary of State Henry Kissinger
6 also stated in May 2010 while testifying before the
7 Committee on Foreign Relations of the Senate that
8 “as part of a number of recommendations, my col-
9 leagues, Bill Perry, George Shultz, Sam Nunn, and
10 I have called for significant investments in a re-
11 paired and modernized nuclear weapons infrastruc-
12 ture and added resources for the three national lab-
13 oratories.”.

14 (10) Then Secretary of Defense Robert Gates,
15 while testifying before the Committee on Armed
16 Services of the Senate in June 2010, stated, “I see
17 this treaty as a vehicle to finally be able to get what
18 we need in the way of modernization that we have
19 been unable to get otherwise * * *. We are essen-
20 tially the only nuclear power in the world that is not
21 carrying out these kinds of modernization pro-
22 grams.”.

23 (11) Secretary Gates further stated that “I’ve
24 been up here for the last four springs trying to get
25 money for this and this is the first time I think I’ve

1 got a fair shot of actually getting money for our nu-
2 clear arsenal.”.

3 (12) The Directors of the national nuclear
4 weapons laboratories wrote to the chairman and
5 ranking member of the Committee on Foreign Rela-
6 tions of the Senate in December 2010 that “We are
7 very pleased by the update to the Section 1251 Re-
8 port, as it would enable the laboratories to execute
9 our requirements for ensuring a safe, secure, reliable
10 and effective stockpile under the Stockpile Steward-
11 ship and Management Plan. In particular, we are
12 pleased because it clearly responds to many of the
13 concerns that we and others have voiced in the past
14 about potential future-year funding shortfalls, and it
15 substantially reduces risks to the overall program. In
16 summary, we believe that the proposed budgets pro-
17 vide adequate support to sustain the safety, security,
18 reliability and effectiveness of America’s nuclear de-
19 terrent within the limit of 1,550 deployed strategic
20 warheads established by the New START Treaty
21 with adequate confidence and acceptable risk.”.

22 (13) President Obama pledged, in a December
23 2010 letter to several Senators, “I recognize that
24 nuclear modernization requires investment for the
25 long-term * * *. That is my commitment to the Con-

1 gress—that my Administration will pursue these
2 programs and capabilities for as long as I am Presi-
3 dent.”.

4 (14) Secretary Gates added in May 2011 that,
5 “this modernization program was very carefully
6 worked out between ourselves and the Department
7 of Energy; and, frankly, where we came out on that
8 played a fairly significant role in the willingness of
9 the Senate to ratify the New START agreement.”.

10 (15) The Administrator for Nuclear Security,
11 Thomas D’Agostino, testified before Congress in No-
12 vember 2011 that, “it is critical to accept the link-
13 age between modernizing our current stockpile in
14 order to achieve the policy objective of decreasing
15 the number of weapons we have in our stockpile,
16 while still ensuring that the deterrent is safe, secure,
17 and effective.”.

18 (b) NEW START TREATY DEFINED.—In this sub-
19 title, the term “New START Treaty” means the Treaty
20 between the United States of America and the Russian
21 Federation on Measures for the Further Reduction and
22 Limitation of Strategic Offensive Arms, signed on April
23 8, 2010, and entered into force on February 5, 2011.

1 **SEC. 1053. LIMITATION AND REPORT IN THE EVENT OF IN-**
2 **SUFFICIENT FUNDING FOR MODERNIZATION**
3 **OF NUCLEAR WEAPONS STOCKPILE.**

4 (a) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that—

6 (1) consistent with Condition 9 of the Resolu-
7 tion of Advice and Consent to Ratification of the
8 New START Treaty of the Senate, agreed to on De-
9 cember 22, 2011, the United States is committed to
10 ensuring the safety, security, reliability, and credi-
11 bility of its nuclear forces; and

12 (2) the United States is committed to—

13 (A) proceeding with a robust stockpile
14 stewardship program and maintaining and mod-
15 ernizing nuclear weapons production capabilities
16 and capacities of the United States to ensure
17 the safety, security, reliability, and credibility of
18 the nuclear arsenal of the United States at the
19 New START Treaty levels and meeting require-
20 ments for hedging against possible international
21 developments or technical problems;

22 (B) reinvigorating and sustaining the nu-
23 clear security laboratories of the United States
24 and preserving the core nuclear weapons com-
25 petencies therein; and

1 (C) providing the resources needed to
2 achieve these objectives, at a minimum at the
3 levels set forth in the President’s 10-year plan
4 provided to Congress in November 2010 pursu-
5 ant to section 1251 of the National Defense
6 Authorization Act for Fiscal Year 2010 (Public
7 Law 111–84; 123 Stat. 2549).

8 (b) INSUFFICIENT FUNDING REPORT AND LIMITA-
9 TION.—

10 (1) IN GENERAL.—Paragraph (2) of section
11 1045(a) of the National Defense Authorization Act
12 for Fiscal Year 2012 (50 U.S.C. 2523b) is amended
13 to read as follows:

14 “(2) INSUFFICIENT FUNDING.—

15 “(A) REPORT.—During each year in which
16 the New START Treaty is in force, if the
17 President determines that an appropriations
18 Act is enacted that fails to meet the resource
19 levels set forth in the November 2010 update to
20 the plan referred to in section 1251 of the Na-
21 tional Defense Authorization Act for Fiscal
22 Year 2010 (Public Law 111–84; 123 Stat.
23 2549) or if at any time determines that more
24 resources are required to carry out such plan
25 than were estimated, the President shall submit

1 to the appropriate congressional committees,
2 within 60 days of making such a determination,
3 a report detailing—

4 “(i) a plan to remedy the resource
5 shortfall;

6 “(ii) if more resources are required to
7 carry out the plan than were estimated—

8 “(I) the proposed level of funding
9 required; and

10 “(II) an identification of the
11 stockpile work, campaign, facility,
12 site, asset, program, operation, activ-
13 ity, construction, or project for which
14 additional funds are required;

15 “(iii) any effects caused by the short-
16 fall on the safety, security, reliability, or
17 credibility of the nuclear forces of the
18 United States; and

19 “(iv) whether and why, in light of the
20 shortfall, remaining a party to the New
21 START Treaty is in the national interest
22 of the United States.

23 “(B) LIMITATION.—If the President sub-
24 mits a report under subparagraph (A), none of
25 the funds made available for fiscal year 2012 or

1 any fiscal year thereafter for the Department of
2 Defense or the National Nuclear Security Ad-
3 ministration may be used to reduce the number
4 of deployed nuclear warheads until—

5 “(i) after the date on which such re-
6 port is submitted, the President certifies in
7 writing to the appropriate congressional
8 committees that the resource shortfall
9 identified in such report has been ad-
10 dressed; and

11 “(ii) a period of 120 days has elapsed
12 following the date on which such certifi-
13 cation is made.

14 “(C) EXCEPTION.—The limitation in sub-
15 paragraph (B) shall not apply to—

16 “(i) reductions made to ensure the
17 safety, security, reliability, and credibility
18 of the nuclear weapons stockpile and stra-
19 tegic delivery systems, including activities
20 related to surveillance, assessment, certifi-
21 cation, testing, and maintenance of nuclear
22 warheads and strategic delivery systems; or

23 “(ii) nuclear warheads that are retired
24 or awaiting dismantlement on the date of
25 the report under subparagraph (A).

1 “(D) DEFINITIONS.—In this paragraph:

2 “(i) The term ‘appropriate congress-
3 sional committees’ means—

4 “(I) the congressional defense
5 committees; and

6 “(II) the Committee on Foreign
7 Relations of the Senate and the Com-
8 mittee on Foreign Affairs of the
9 House of Representatives.

10 “(ii) The term ‘New START Treaty’
11 means the Treaty between the United
12 States of America and the Russian Federa-
13 tion on Measures for the Further Reduc-
14 tion and Limitation of Strategic Offensive
15 Arms, signed on April 8, 2010, and en-
16 tered into force on February 5, 2011.”.

17 (2) EFFECTIVE DATE.—The amendment made
18 by paragraph (1) shall take effect on October 1,
19 2012.

20 **SEC. 1054. PROGRESS OF MODERNIZATION.**

21 (a) FINDINGS.—Congress finds the following:

22 (1) In 2008, then Secretary of Defense Robert
23 Gates warned that “to be blunt, there is absolutely
24 no way we can maintain a credible deterrent and re-
25 duce the number of weapons in our stockpile without

1 either resorting to testing our stockpile or pursuing
2 a modernization program.”.

3 (2) The 2010 Nuclear Posture Review stated
4 that “the President has directed a review of post-
5 New START arms control objectives, to consider fu-
6 ture reductions in nuclear weapons. Several factors
7 will influence the magnitude and pace of future re-
8 ductions in United States nuclear forces below New
9 START levels”, including—

10 (A) “First, any future nuclear reductions
11 must continue to strengthen deterrence of po-
12 tential regional adversaries, strategic stability
13 vis-à-vis Russia and China, and assurance of
14 our allies and partners. This will require an up-
15 dated assessment of deterrence requirements;
16 further improvements in United States, allied,
17 and partner non-nuclear capabilities; focused
18 reductions in strategic and non-strategic weap-
19 ons; and close consultations with allies and
20 partners. The United States will continue to en-
21 sure that, in the calculations of any potential
22 opponent, the perceived gains of attacking the
23 United States or its allies and partners would
24 be far outweighed by the unacceptable costs of
25 the response.”;

1 (B) “Second, implementation of the Stock-
2 pile Stewardship Program and the nuclear in-
3 frastructure investments recommended in the
4 NPR will allow the United States to shift away
5 from retaining large numbers of non-deployed
6 warheads as a hedge against technical or geo-
7 political surprise, allowing major reductions in
8 the nuclear stockpile. These investments are es-
9 sential to facilitating reductions while sus-
10 taining deterrence under New START and be-
11 yond.”; and

12 (C) “Third, Russia’s nuclear force will re-
13 main a significant factor in determining how
14 much and how fast we are prepared to reduce
15 United States forces. Because of our improved
16 relations, the need for strict numerical parity
17 between the two countries is no longer as com-
18 pelling as it was during the Cold War. But
19 large disparities in nuclear capabilities could
20 raise concerns on both sides and among United
21 States allies and partners, and may not be con-
22 ducive to maintaining a stable, long-term stra-
23 tegic relationship, especially as nuclear forces
24 are significantly reduced. Therefore, we will

1 place importance on Russia joining us as we
2 move to lower levels.”.

3 (3) The 2010 Nuclear Posture Review also stat-
4 ed that the Administration would “conduct follow-on
5 analysis to set goals for future nuclear reductions
6 below the levels expected in New START, while
7 strengthening deterrence of potential regional adver-
8 saries, strategic stability vis-à-vis Russia and China,
9 and assurance of our allies and partners.”.

10 (4) The Secretary of Defense has warned in
11 testimony before the Committee on Armed Services
12 of the House of Representatives regarding the se-
13 questration mechanism under section 251A of the
14 Balanced Budget and Emergency Deficit Control
15 Act of 1985 that “if this sequester goes into effect
16 and it doubles the number of cuts, then it’ll truly
17 devastate our national defense, because it will then
18 require that we have to go at our force structure.
19 We will have to hollow it out * * * [i]t will badly
20 damage our capabilities for the future * * *. And if
21 you have a smaller force, you’re not going to be able
22 to be out there responding in as many areas as we
23 do now.”.

24 (5) The 2010 Nuclear Posture Review also stat-
25 ed that “by modernizing our aging nuclear facilities

1 and investing in human capital, we can substantially
2 reduce the number of nuclear weapons we retain as
3 a hedge.”.

4 (6) The President requested the promised
5 \$7,600,000,000 for weapons activities of the Na-
6 tional Nuclear Security Administration in fiscal year
7 2012 but signed an appropriations Act for fiscal
8 year 2012 that provided only \$7,233,997,000, a sub-
9 stantial reduction to only the second year of the ten-
10 year plan under section 1251 of the National De-
11 fense Authorization Act for Fiscal Year 2010 (Pub-
12 lic Law 111–84; 123 Stat. 2549).

13 (7) The President requested only
14 \$7,577,341,000 for weapons activities of the Na-
15 tional Nuclear Security Administration in fiscal year
16 2013 while the President’s section 1251 plan prom-
17 ised \$7,900,000,000.

18 (8) The President’s section 1251 plan further
19 promised to request \$8,400,000,000 in fiscal year
20 2014, \$8,700,000,000 in fiscal year 2015,
21 \$8,900,000,000 in fiscal year 2016, at least
22 \$8,900,000,000 in fiscal year 2017, at least
23 \$9,200,000,000 in fiscal year 2018, at least
24 \$9,400,000,000 in fiscal year 2019, at least

1 \$9,400,000,000 in fiscal year 2020, and at least
2 \$9,500,000,000 in fiscal year 2021.

3 (9) While the administration has not yet shared
4 with Congress the terms of reference of the so-called
5 Nuclear Posture Review Implementation Study, or
6 the Department of Defense’s instructions for that
7 review, the only publicly available statements by the
8 administration, including language from the Nuclear
9 Posture Review, suggest the review was specifically
10 instructed by the President and his senior political
11 appointees to only consider reductions to the nuclear
12 forces of the United States.

13 (10) When asked at a hearing if the New
14 START Treaty allowed the United States “to main-
15 tain a nuclear arsenal that is more than is needed
16 to guarantee an adequate deterrent,” then Com-
17 mander of the United States Strategic Command,
18 General Kevin P. Chilton said, “I do not agree that
19 it is more than is needed. I think the arsenal that
20 we have is exactly what is needed today to provide
21 the deterrent.”.

22 (b) NUCLEAR EMPLOYMENT STRATEGY.—Section
23 491 of title 10, United States Code, as amended by section
24 1051, is amended by adding after subsection (b) the fol-
25 lowing:

1 “(c) LIMITATION.—With respect to a new nuclear
2 weapons employment strategy described in a report sub-
3 mitted to Congress under subsection (a), none of the funds
4 made available for fiscal year 2012 or any fiscal year
5 thereafter for the Department of Defense may be used to
6 implement such strategy until a period of one year has
7 elapsed following the date on which such report is sub-
8 mitted to Congress.”.

9 (c) LIMITATION.—During each of fiscal years 2012
10 through 2021, none of the funds made available for each
11 such fiscal year for the Department of Defense may be
12 used to carry out the results of the decisions made pursu-
13 ant to the 2010 Nuclear Posture Review Implementation
14 Study that would alter the nuclear weapons employment
15 strategy, guidance, plans, or options of the United States
16 until the date on which the President certifies to the con-
17 gressional defense committees that—

18 (1) the President has included the resources
19 necessary to carry out the February 2011 update to
20 the report required under section 1251 of the Na-
21 tional Defense Authorization Act for Fiscal Year
22 2010 (Public Law 111–84; 123 Stat. 2549) in the
23 budget of the President submitted to Congress
24 under section 1105(a) of title 31, United States
25 Code, for such fiscal year;

1 (2) the resources described in paragraph (1)
2 have been provided to the President in an appropria-
3 tions Act; and

4 (3) the sequestration mechanism under section
5 251A of the Balanced Budget and Emergency Def-
6 icit Control Act of 1985 has been repealed or the se-
7 questration mechanism under such section for the
8 security category has otherwise been terminated.

9 **SEC. 1055. LIMITATION ON STRATEGIC DELIVERY SYSTEM**
10 **REDUCTIONS.**

11 (a) FINDINGS.—Congress finds the following:

12 (1) The Nuclear Posture Review of 2010 said,
13 with respect to modernizing the triad, “for planned
14 reductions under New START, the United States
15 should retain a smaller Triad of SLBMs, ICBMs,
16 and heavy bombers. Retaining all three Triad legs
17 will best maintain strategic stability at reasonable
18 cost, while hedging against potential technical prob-
19 lems or vulnerabilities.”.

20 (2) The Senate stated in Declaration 13 of the
21 Resolution of Advice and Consent to Ratification of
22 the New START Treaty that “In accordance with
23 paragraph 1 of Article V of the New START Trea-
24 ty, which states that, ‘Subject to the provisions of
25 this Treaty, modernization and replacement of stra-

1 ategic offensive arms may be carried out,’ it is the
2 sense of the Senate that United States deterrence
3 and flexibility is assured by a robust triad of stra-
4 tegic delivery vehicles. To this end, the United
5 States is committed to accomplishing the moderniza-
6 tion and replacement of its strategic nuclear delivery
7 vehicles, and to ensuring the continued flexibility of
8 United States conventional and nuclear delivery sys-
9 tems.”.

10 (3) The Senate required the President, prior to
11 the entry into force of the New START Treaty, to
12 certify to the Senate that the President intended to
13 modernize or replace the triad of strategic nuclear
14 delivery systems.

15 (4) The President made this certification in a
16 message to the Senate on February 2, 2011, in
17 which the President stated, “I intend to (a) mod-
18 ernize or replace the triad of strategic nuclear deliv-
19 ery systems: a heavy bomber and air-launched cruise
20 missile, an ICBM, and a nuclear-powered ballistic
21 missile submarine (SSBN) and SLBM; and (b)
22 maintain the United States rocket motor industrial
23 base.”.

24 (b) LIMITATION.—

1 (1) IN GENERAL.—Chapter 24 of title 10,
2 United States Code, as added by section 1051, is
3 amended by adding at the end the following new sec-
4 tion:

5 **“§ 494. Strategic delivery system reductions**

6 “(a) ANNUAL CERTIFICATION.—Beginning fiscal
7 year 2013, the President shall annually certify in writing
8 to the congressional defense committees whether plans to
9 modernize or replace strategic delivery systems are fully
10 resourced and being executed at a level equal to or more
11 than the levels set forth in the November 2010 update
12 to the plan referred to in section 1251 of the National
13 Defense Authorization Act for Fiscal Year 2010 (Public
14 Law 111–84; 123 Stat. 2549), including plans regard-
15 ing—

16 “(1) a heavy bomber and air-launched cruise
17 missile;

18 “(2) an intercontinental ballistic missile;

19 “(3) a submarine-launched ballistic missile;

20 “(4) a ballistic missile submarine; and

21 “(5) maintaining—

22 “(A) the nuclear command and control sys-
23 tem; and

24 “(B) the rocket motor industrial base of
25 the United States.

1 “(b) LIMITATION.—If the President certifies under
2 subsection (a) that plans to modernize or replace strategic
3 delivery systems are not fully resourced or being executed,
4 none of the funds made available for fiscal year 2012 or
5 any fiscal year thereafter for the Department of Defense
6 may be used to reduce, convert, or eliminate strategic de-
7 livery systems, whether deployed or nondeployed, pursuant
8 to the New START Treaty or otherwise until a period of
9 120 days has elapsed following the date on which such
10 certification is made.

11 “(c) EXCEPTION.—The limitation in subsection (b)
12 shall not apply to—

13 “(1) reductions made to ensure the safety, secu-
14 rity, reliability, and credibility of the nuclear weap-
15 ons stockpile and strategic delivery systems, includ-
16 ing activities related to surveillance, assessment, cer-
17 tification, testing, and maintenance of nuclear war-
18 heads and delivery systems; or

19 “(2) strategic delivery systems that are retired
20 or awaiting dismantlement on the date of the certifi-
21 cation under subsection (a).

22 “(d) DEFINITIONS.—In this section:

23 “(1) The term ‘New START Treaty’ means the
24 Treaty between the United States of America and
25 the Russian Federation on Measures for the Further

1 Reduction and Limitation of Strategic Offensive
2 Arms, signed on April 8, 2010, and entered into
3 force on February 5, 2011.

4 “(2) The term ‘strategic delivery system’ means
5 a delivery platform for nuclear weapons.”.

6 (2) CLERICAL AMENDMENTS.—The table of sec-
7 tions at the beginning of such chapter is amended
8 by adding at the end the following new item:

“494. Strategic delivery system reductions.”.

9 **SEC. 1056. PREVENTION OF ASYMMETRY OF NUCLEAR**
10 **WEAPON STOCKPILE REDUCTIONS.**

11 (a) FINDINGS.—Congress finds the following:

12 (1) Then Secretary of Defense Robert Gates
13 warned in 2008 that, “There is no way to ignore ef-
14 forts by rogue states such as North Korea and Iran
15 to develop and deploy nuclear weapons or Russian or
16 Chinese strategic modernization programs. To be
17 sure, we do not consider Russia or China as adver-
18 saries, but we cannot ignore these developments and
19 the implications they have for our national secu-
20 rity.”.

21 (2) The 2010 Nuclear Posture Review stated
22 that, “large disparities in nuclear capabilities could
23 raise concerns on both sides and among United
24 States allies and partners, and may not be conducive
25 to maintaining a stable, long-term strategic relation-

1 ship, especially as nuclear forces are significantly re-
2 duced.”.

3 (3) The Senate stated in the Resolution of Ad-
4 vice and Consent to Ratification of the New START
5 Treaty that, “It is the sense of the Senate that, in
6 conducting the reductions mandated by the New
7 START Treaty, the President should regulate reduc-
8 tions in United States strategic offensive arms so
9 that the number of accountable strategic offensive
10 arms under the New START Treaty possessed by
11 the Russian Federation in no case exceeds the com-
12 parable number of accountable strategic offensive
13 arms possessed by the United States to such an ex-
14 tent that a strategic imbalance endangers the na-
15 tional security interests of the United States.”.

16 (4) At a hearing before the Committee on
17 Armed Services of the House of Representatives in
18 2011, Secretary of Defense Leon Panetta said, with
19 respect to unilateral nuclear reductions by the
20 United States, “I don’t think we ought to do that
21 unilaterally—we ought to do that on the basis of ne-
22 gotiations with the Russians and others to make
23 sure we are all walking the same path.”.

24 (b) CERTIFICATION.—Section 1045 of the National
25 Defense Authorization Act for Fiscal Year 2012 (50

1 U.S.C. 2523b) is amended by adding at the end the fol-
2 lowing new subsection:

3 “(d) PREVENTION OF ASYMMETRY IN REDUC-
4 TIONS.—

5 “(1) CERTIFICATION.—During any year in
6 which the President recommends to reduce the num-
7 ber of nuclear weapons in the active and inactive
8 stockpiles of the United States by a number that is
9 greater than one percent of the number of nuclear
10 weapons in such stockpiles, the President shall cer-
11 tify in writing to the congressional defense commit-
12 tees whether such reductions will cause the number
13 of nuclear weapons in such stockpiles to be fewer
14 than the number of nuclear weapons in the active
15 and inactive stockpiles of the Russian Federation.

16 “(2) LIMITATION.—If the President certifies
17 under paragraph (1) that the recommended number
18 of nuclear weapons in the active and inactive stock-
19 piles of the United States is fewer than the number
20 of nuclear weapons in the active and inactive stock-
21 piles of the Russian Federation, none of the funds
22 made available for fiscal year 2012 or any fiscal year
23 thereafter for the Department of Defense or the Na-
24 tional Nuclear Security Administration may be used

1 to carry out any reduction to such stockpiles of the
2 United States until—

3 “(A) after the date on which such certifi-
4 cation is made, the President transmits to the
5 congressional defense committees a report by
6 the Commander of the United States Strategic
7 Command, without change, detailing whether
8 the recommended reduction would create a stra-
9 tegic imbalance between the total nuclear forces
10 of the United States and the total nuclear
11 forces of the Russian Federation; and

12 “(B) a period of 180 days has elapsed fol-
13 lowing the date on which such report is trans-
14 mitted.

15 “(3) EXCEPTION.—The limitation in paragraph
16 (2) shall not apply to—

17 “(A) reductions made to ensure the safety,
18 security, reliability, and credibility of the nu-
19 clear weapons stockpile and strategic delivery
20 systems, including activities related to surveil-
21 lance, assessment, certification, testing, and
22 maintenance of nuclear warheads and strategic
23 delivery systems; or

1 “(B) nuclear warheads that are retired or
2 awaiting dismantlement on the date of the cer-
3 tification under paragraph (1).”.

4 **SEC. 1057. CONSIDERATION OF EXPANSION OF NUCLEAR**
5 **FORCES OF OTHER COUNTRIES.**

6 (a) FINDINGS.—Congress finds the following:

7 (1) The Resolution of Advice and Consent to
8 Ratification of the New START Treaty of the Sen-
9 ate said, “It is the sense of the Senate that if, dur-
10 ing the time the New START Treaty remains in
11 force, the President determines that there has been
12 an expansion of the strategic arsenal of any country
13 not party to the New START Treaty so as to jeop-
14 ardize the supreme interests of the United States,
15 then the President should consult on an urgent basis
16 with the Senate to determine whether adherence to
17 the New START Treaty remains in the national in-
18 terest of the United States.”.

19 (2) In 2011, experts testified before the Com-
20 mittee on Armed Services of the House of Rep-
21 resentatives that—

22 (A) “Russia is modernizing every leg of its
23 nuclear triad with new, more advanced sys-
24 tems”, including new ballistic missile sub-
25 marines, new heavy intercontinental ballistic

1 missiles carrying up to 15 warheads each, new
2 shorter range ballistic missiles, and new low-
3 yield warheads; and

4 (B) “China is steadily increasing the num-
5 bers and capabilities of the ballistic missiles it
6 deploys and is upgrading older ICBMs to
7 newer, more advanced systems. China also ap-
8 pears to be actively working to develop a sub-
9 marine-based nuclear deterrent force, something
10 it has never had * * *. A recent unclassified
11 Department of Defense report says that this
12 network of tunnels could be in excess of 5,000
13 kilometers and is used to transport nuclear
14 weapons and forces.”.

15 (b) REPORT AND CERTIFICATION.—

16 (1) IN GENERAL.—Chapter 24 of title 10,
17 United States Code, as added by section 1051, is
18 amended by adding at the end the following new sec-
19 tion:

20 **“§ 495. Consideration of expansion of nuclear forces**
21 **of other countries**

22 “(a) REPORT AND CERTIFICATION.—During any
23 year in which the President recommends any reductions
24 in the nuclear forces of the United States, none of the
25 funds made available for fiscal year 2012 or any fiscal

1 year thereafter for the Department of Defense or the National Nuclear Security Administration may be used for such recommended reduction until the date on which—

4 “(1) the President transmits to the appropriate
5 congressional committees a report detailing, for each
6 country with nuclear weapons—

7 “(A) the number of each type of nuclear
8 weapons possessed by such country;

9 “(B) the modernization plans for such
10 weapons of such country;

11 “(C) the production capacity of nuclear
12 warheads and strategic delivery systems (as de-
13 fined in section 491(c) of this title) of such
14 country; and

15 “(D) the nuclear doctrine of such country;
16 and

17 “(2) the Commander of the United States Stra-
18 tegic Command certifies to the appropriate congres-
19 sional committees whether such recommended reduc-
20 tions in the nuclear forces of the United States
21 will—

22 “(A) impair the ability of the United
23 States to address—

24 “(i) unplanned strategic or geo-
25 political events; or

1 “(ii) technical challenge; or

2 “(B) degrade the deterrence or assurance
3 provided by the United States to friends and al-
4 lies of the United States.

5 “(b) FORM.—The reports required by subsection
6 (a)(1) shall be submitted in unclassified form, but may
7 include a classified annex.

8 “(c) APPROPRIATE CONGRESSIONAL COMMITTEES
9 DEFINED.—In this section, the term ‘appropriate congres-
10 sional committees’ means the following:

11 “(1) The congressional defense committees.

12 “(2) The Committee on Foreign Affairs of the
13 House of Representatives and the Committee on
14 Foreign Relations of the Senate.”.

15 (2) The table of sections at the beginning of
16 chapter 24 of title 10, United States Code, is
17 amended by inserting after the item relating to sec-
18 tion 494 the following new item:

“495. Consideration of expansion of nuclear forces of other countries.”.

19 **SEC. 1058. CHEMISTRY AND METALLURGY RESEARCH RE-**
20 **PLACEMENT NUCLEAR FACILITY AND URA-**
21 **NIUM PROCESSING FACILITY.**

22 (a) FINDINGS.—Congress finds the following:

23 (1) Administrator for Nuclear Security Thomas
24 D’Agostino testified before the Committee on Armed
25 Services of the House of Representatives in Feb-

1 ruary 2008 that “Infrastructure improvements are a
2 major part of the complex transformation plan that
3 we have, and we’ve made important progress, but we
4 have a lot more to do. Some major facilities that we
5 have date back to World War II and cannot readily
6 meet today’s safety and security requirements. Let
7 me give you just two quick examples, if I could. A
8 sufficient capability to work with plutonium is an es-
9 sential part of a national security enterprise and is
10 required for as long as we retain a nuclear deter-
11 rent, and most likely even longer. Currently, we have
12 a very small production capacity at Los Alamos,
13 about 10 pits per year, at our TA-55 area. Our
14 building at Los Alamos, the Chemistry and Metal-
15 lurgy Research Facility, is well over 50 years old
16 and is insufficient to support the national security
17 requirements for the stockpile and for future na-
18 tional security mission areas. So, whether we con-
19 tinue on our existing path or move towards a re-
20 placement modern warhead-type stockpile, we still
21 need the capacity to produce about 50 to 80 pits per
22 year, which is less than one-tenth of our Cold War
23 level, as well as the ability to carry out pit surveil-
24 lance, which is an essential part of maintaining our
25 stockpile.”.

1 (2) Then Commander of the United States
2 Strategic Command General Kevin P. Chilton also
3 testified in February 2008 that “When you have a
4 responsive complex that has the capacity to flex to
5 production as you may need it or adjust your de-
6 ployed force posture in the future, should you need
7 it—in other words, if we go to a lower number, you
8 need to be certain that you can come back up,
9 should the strategic environment change, and you
10 can’t necessarily without that flexible or responsive
11 infrastructure behind it, and that’s probably one of
12 my great concerns. And then how you posture both
13 the portion of your stockpile that you hold in reserve
14 and your confidence in the weapons that you have
15 deployed is very much a function of modernizing, in
16 my view, the weapons systems that we have available
17 today, which are, as the secretary described, of Cold
18 War legacy design, and the associated issues with
19 them.”.

20 (3) The Congressional Commission on the Stra-
21 tegic Posture of the United States reported in May
22 2009, with respect to the timing of the replacement
23 of the nuclear weapons infrastructure of the United
24 States, that “This raises an obvious question about
25 whether these two replacement programs might pro-

1 ceed in sequence rather than concurrently. There are
2 strong arguments for moving forward concurrently.
3 Existing facilities are genuinely decrepit and are
4 maintained in a safe and secure manner only at high
5 cost. Moreover, the improved production capabilities
6 they promise are integral to the program of refurbishment and modernization described in the preceding chapter. If funding can be found for both, this would best serve the national interest in maintaining a safe, secure, and reliable stockpile of weapons in the most effective and efficient manner.”.

12 (4) The 2010 Nuclear Posture Review states—

13 (A) “The National Nuclear Security Administration (NNSA), in close coordination with
14 DoD, will provide a new stockpile stewardship
15 and management plan to Congress within 90
16 days, consistent with the increases in infrastructure investment requested in the President’s FY 2011 budget. As critical infrastructure is restored and modernized, it will allow
17 the United States to begin to shift away from
18 retaining large numbers of non-deployed warheads as a technical hedge, allowing additional
19 reductions in the United States stockpile of
20 non-deployed nuclear weapons over time.”;

1 (B) “In order to sustain a safe, secure,
2 and effective United States nuclear stockpile as
3 long as nuclear weapons exist, the United
4 States must possess a modern physical infra-
5 structure—comprised of the national security
6 laboratories and a complex of supporting facili-
7 ties.”;

8 (C) “Funding the Chemistry and Metal-
9 lurgy Research Replacement Project at Los Al-
10 amos National Laboratory to replace the exist-
11 ing 50-year old Chemistry and Metallurgy Re-
12 search facility in 2021.”;

13 (D) “Developing a new Uranium Proc-
14 essing Facility at the Y-12 Plant in Oak Ridge,
15 Tennessee to come on line for production oper-
16 ations in 2021.”;

17 (E) “Without an ability to produce ura-
18 nium components, any plan to sustain the
19 stockpile, as well as support for our Navy nu-
20 clear propulsion, will come to a halt. This would
21 have a significant impact, not just on the weap-
22 ons program, but in dealing with nuclear dan-
23 gers of many kinds.”; and

24 (F) “The non-deployed stockpile currently
25 includes more warheads than required for the

1 above purposes, due to the limited capacity of
2 the National Nuclear Security Administration
3 (NNSA) complex to conduct LEPs for deployed
4 weapons in a timely manner. Progress in restor-
5 ing NNSA’s production infrastructure will allow
6 these excess warheads to be retired along with
7 other stockpile reductions planned over the next
8 decade.”.

9 (5) In the memorandum of agreement between
10 the Department of Defense and the Department of
11 Energy concerning the modernization of the nuclear
12 weapon stockpile of the United States dated May 3,
13 2010, then Secretary of Defense Robert Gates and
14 Secretary of Energy Steven Chu agreed that “DOE
15 Agrees to * * * increase pit production capacity *
16 * * plan and program to ramp up to a minimum of
17 50–80 PPY in 2022.”.

18 (6) The plan required under section 1251 of the
19 National Defense Authorization Act for Fiscal Year
20 2010 (Public Law 111–84; 123 Stat. 2549) sub-
21 mitted by the President states that the Chemistry
22 and Metallurgy Research Replacement building and
23 the Uranium Processing Facility will complete con-
24 struction by 2021 and will achieve full operational
25 functionality by 2024.

1 (7) The Senate required that, prior to the entry
2 into force of the New START Treaty, the President
3 certifies to the Senate that the President intends
4 to—

5 (A) accelerate to the extent possible the
6 design and engineering phase of the Chemistry
7 and Metallurgy Research Replacement building
8 and the Uranium Processing Facility; and

9 (B) request full funding, including on a
10 multiyear basis as appropriate, for the Chem-
11 istry and Metallurgy Research Replacement
12 building and the Uranium Processing Facility
13 upon completion of the design and engineering
14 phase for such facilities.

15 (8) The President did request full funding for
16 such facilities on February 2, 2011, when the Presi-
17 dent stated, “I intend to (a) accelerate, to the extent
18 possible, the design and engineering phase of the
19 Chemistry and Metallurgy Research Replacement
20 (CMRR) building and the Uranium Processing Fa-
21 cility (UPF); and (b) request full funding, including
22 on a multi-year basis as appropriate, for the CMRR
23 building and the UPF upon completion of the design
24 and engineering phase for such facilities.”.

1 (b) LIMITATION.—Section 1045 of the National De-
2 fense Authorization Act for Fiscal Year 2012 (50 U.S.C.
3 2523b), as amended by section 1056(b), is amended by
4 adding at the end the following new subsection:

5 “(e) CMRR AND UPF.—

6 “(1) ANNUAL CERTIFICATION.—Beginning fis-
7 cal year 2013, the President shall annually certify in
8 writing to the congressional defense committees
9 whether—

10 “(A) the construction of both the Chem-
11 istry and Metallurgy Research Replacement
12 building and the Uranium Processing Facility
13 will be completed by not later than 2021; and

14 “(B) both facilities will be fully operational
15 by not later than 2024.

16 “(2) LIMITATION.—If the President certifies
17 under paragraph (1) that the Chemistry and Metal-
18 lurgy Research Replacement building and the Ura-
19 nium Processing Facility will be completed by later
20 than 2021 or be fully operational by later than
21 2024, none of the funds made available for fiscal
22 year 2012 or any fiscal year thereafter for the Na-
23 tional Nuclear Security Administration may be used
24 to reduce the nondeployed nuclear warheads in the
25 nuclear weapons stockpile of the United States until

1 a period of 120 days has elapsed following the date
2 of such certification.

3 “(3) EXCEPTION.—The limitation in paragraph
4 (2) shall not apply to—

5 “(A) reductions made to ensure the safety,
6 security, reliability, and credibility of the nu-
7 clear weapons stockpile and delivery systems,
8 including activities related to surveillance, as-
9 sessment, certification, testing, and mainte-
10 nance of nuclear warheads and strategic deliv-
11 ery systems; or

12 “(B) nuclear warheads that are retired or
13 awaiting dismantlement on the date of the cer-
14 tification under paragraph (1).

15 “(4) TERMINATION.—The requirement in para-
16 graph (1) shall terminate on the date on which the
17 President certifies in writing to the congressional de-
18 fense committees that the Chemistry and Metallurgy
19 Research Replacement building and the Uranium
20 Processing Facility are both fully operational.”.

21 **SEC. 1059. NUCLEAR WARHEADS ON INTERCONTINENTAL**
22 **BALLISTIC MISSILES OF THE UNITED STATES.**

23 (a) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that reducing the number of nuclear warheads con-
25 tained on each intercontinental ballistic missile of the

1 United States does not promote strategic stability if at
2 the same time other nuclear weapons states, including the
3 Russian Federation and the People’s Republic of China,
4 are rapidly increasing the warhead-loading of their land-
5 based missile forces.

6 (b) LIMITATION.—

7 (1) IN GENERAL.—Chapter 24 of title 10,
8 United States Code, as added by section 1051, is
9 amended by adding at the end the following new sec-
10 tion:

11 **“§ 496. Nuclear warheads on intercontinental bal-**
12 **listic missiles of the United States**

13 “(a) IN GENERAL.—During any year in which the
14 President proposes to reduce the number of nuclear war-
15 heads contained on an intercontinental ballistic missile of
16 the United States, none of the funds made available for
17 fiscal year 2012 or any fiscal year thereafter for the De-
18 partment of Defense or the National Nuclear Security Ad-
19 ministration may be used for such proposed reduction if
20 the reduction results in such missile having only a single
21 nuclear warhead unless the President certifies in writing
22 to the congressional defense committees that the Russian
23 Federation and the People’s Republic of China are both
24 also carrying out a similar reduction.

1 “(b) EXCEPTION.—The limitation in subsection (a)
2 shall not apply to reductions made to ensure the safety,
3 security, reliability, and credibility of the nuclear weapons
4 stockpile and delivery systems, including activities related
5 to surveillance, assessment, certification, testing, and
6 maintenance of nuclear warheads and strategic delivery
7 systems.”.

8 (2) The table of sections at the beginning of
9 chapter 24 of title 10, United States Code, is
10 amended by inserting after the item relating to sec-
11 tion 495 the following:

“496. Nuclear warheads on intercontinental ballistic missiles of the United
States.”.

12 **SEC. 1060. NONSTRATEGIC NUCLEAR WEAPON REDUC-**
13 **TIONS AND EXTENDED DETERRENCE POLICY.**

14 (a) FINDINGS.—Congress finds the following:

15 (1) The NATO Strategic Concept of 2010 en-
16 dorsed the continued role of nuclear weapons in the
17 security of the NATO alliance, stating—

18 (A) “The supreme guarantee of the secu-
19 rity of the Allies is provided by the strategic nu-
20 clear forces of the Alliance, particularly those of
21 the United States; the independent strategic
22 nuclear forces of the United Kingdom and
23 France, which have a deterrent role of their

1 own, contribute to the overall deterrence and
2 security of the Allies.”;

3 (B) “We will ensure that NATO has the
4 full range of capabilities necessary to deter and
5 defend against any threat to the safety and se-
6 curity of our populations. Therefore, we will *
7 * * maintain an appropriate mix of nuclear and
8 conventional forces”; and

9 (C) “[NATO will] ensure the broadest pos-
10 sible participation of Allies in collective defence
11 planning on nuclear roles, in peacetime basing
12 of nuclear forces, and in command, control and
13 consultation arrangements.”.

14 (2) However, the 2010 Strategic Concept also
15 walked away from the decades-long policy encap-
16 sulated by the 1999 Strategic Concept that said,
17 “The presence of United States conventional and
18 nuclear forces in Europe remains vital to the secu-
19 rity of Europe, which is inseparably linked to that
20 of North America.”.

21 (3) Former Secretary of Defense William Perry
22 said in March 2011 testimony before the Sub-
23 committee on Strategic Forces of the Committee on
24 Armed Services of the House of Representatives that
25 “the reason we have nuclear weapons in Europe in

1 the first place, is not because the rest of our weap-
2 ons are not capable of deterrence, but because, dur-
3 ing the Cold War at least, our allies in Europe felt
4 more assured when we had nuclear weapons in Eu-
5 rope. That is why they were deployed there in the
6 first place. Today the issue is a little different. The
7 issue is the Russians in the meantime have built a
8 large number of nuclear weapons, and we keep our
9 nuclear weapons there as somewhat of a political le-
10 verage for dealing with an ultimate treaty in which
11 we may get Russia and the United States to elimi-
12 nate tactical nuclear weapons. My own view is it
13 would be desirable if both the United States and
14 Russia would eliminate tactical nuclear weapons, but
15 I see it as very difficult to arrive at that conclusion
16 if we were to simply eliminate all of our tactical nu-
17 clear weapons unilaterally.”.

18 (4) During testimony before the Subcommittee
19 on Strategic Forces of the Committee on Armed
20 Services of the House of Representatives in July
21 2011—

22 (A) former Department of Defense official
23 Frank Miller stated, “as long as United States
24 allies believe that those weapons need to be

1 there, we need to make sure that we provide
2 that security.”; and

3 (B) former Department of Defense official
4 Mort Halperin stated, “I do not think we
5 should be willing to trade our withdrawal of our
6 nuclear weapons from Europe for some reduc-
7 tion, even a substantial reduction, in Russian
8 tactical nuclear weapons because if it is * * *
9 that the credibility of the American nuclear de-
10 terrent for our NATO allies depends on the
11 presence of nuclear weapons in Europe, that
12 will not change if the Russians cut their tactical
13 nuclear arsenal by two thirds, or even eliminate
14 it because they will still have their strategic
15 weapons, which, while they can’t have inter-
16 mediate range missiles, they can find a way to
17 target them on the NATO countries.”.

18 (5) Section 1237(b) of the National Defense
19 Authorization Act for Fiscal Year 2012 (Public Law
20 112–81) expressed the sense of Congress that—

21 (A) the commitment of the United States
22 to extended deterrence in Europe and the nu-
23 clear alliance of NATO is an important compo-
24 nent of ensuring and linking the national secu-

1 rity of the United States and its European al-
2 lies;

3 (B) the nuclear forces of the United States
4 are a key component of the NATO nuclear alli-
5 ance; and

6 (C) the presence of the nuclear weapons of
7 the United States in Europe—combined with
8 NATO’s unique nuclear sharing arrangements
9 under which non-nuclear members participate
10 in nuclear planning and possess specially con-
11 figured aircraft capable of delivering nuclear
12 weapons—provides reassurance to NATO allies
13 who feel exposed to regional threats.

14 (b) LIMITATION.—Chapter 24 of title 10, United
15 States Code, as added by section 1051, is amended by
16 adding at the end the following new section:

17 **“§ 497. Limitation on reduction, consolidation, or**
18 **withdrawal of nuclear forces based in Eu-**
19 **rope**

20 **“(a) POLICY ON NONSTRATEGIC NUCLEAR WEAP-**
21 **ONS.—It is the policy of the United States—**

22 **“(1) to pursue negotiations with the Russian**
23 **Federation aimed at the reduction of Russian de-**
24 **ployed and nondeployed, nonstrategic nuclear forces;**

1 “(2) that nonstrategic nuclear weapons should
2 be considered when weighing the balance of the nu-
3 clear forces of the United States and the Russian
4 Federation;

5 “(3) that any geographical relocation or storage
6 of nonstrategic nuclear weapons by the Russian Fed-
7 eration does not constitute a reduction or elimi-
8 nation of such weapons;

9 “(4) the vast advantage of the Russian Federa-
10 tion in nonstrategic nuclear weapons constitutes a
11 threat to the United States and its allies and a
12 growing asymmetry in Western Europe; and

13 “(5) the forward-deployed nuclear forces of the
14 United States are an important contributor to the
15 assurance of the allies of the United States and con-
16 stitute a check on proliferation and a tool in dealing
17 with neighboring states hostile to NATO.

18 “(b) POLICY ON EXTENDED DETERRENCE COMMIT-
19 MENT TO EUROPE.—It is the policy of the United States
20 that—

21 “(1) it maintain its commitment to extended
22 deterrence, specifically the nuclear alliance of the
23 North Atlantic Treaty Organization, as an impor-
24 tant component of ensuring and linking the national

1 security interests of the United States and the secu-
2 rity of its European allies;

3 “(2) forward-deployed nuclear forces of the
4 United States shall remain based in Europe in sup-
5 port of the nuclear policy and posture of NATO;

6 “(3) the presence of nuclear weapons of the
7 United States in Europe—combined with NATO’s
8 unique nuclear sharing arrangements under which
9 non-nuclear members participate in nuclear planning
10 and possess specially configured aircraft capable of
11 delivering nuclear weapons—contributes to the cohe-
12 sion of NATO and provides reassurance to allies and
13 partners who feel exposed to regional threats; and

14 “(4) only the President and Congress can ar-
15 ticulate when and how the United States will employ
16 the nuclear forces of the United States and no mul-
17 tilateral organization, not even NATO, can articu-
18 late a declaratory policy concerning the use of nu-
19 clear weapons that binds the United States.

20 “(c) LIMITATION ON REDUCTION, CONSOLIDATION,
21 OR WITHDRAWAL OF NUCLEAR FORCES BASED IN EU-
22 ROPE.—In light of the policy expressed in subsections (a)
23 and (b), none of the funds made available for fiscal year
24 2012 or any fiscal year thereafter for the Department of
25 Defense may be used to effect or implement the reduction,

1 consolidation, or withdrawal of nuclear forces of the
2 United States that are based in Europe unless—

3 “(1) the reduction, consolidation, or withdrawal
4 of such nuclear forces is requested by the govern-
5 ment of the host nation in the manner provided in
6 the agreement between the United States and the
7 host nation regarding the forces;

8 “(2) the President certifies that—

9 “(A) NATO member states have consid-
10 ered the reduction, consolidation, or withdrawal
11 in the High Level Group;

12 “(B) NATO has decided to support such
13 reduction, consolidation, or withdrawal;

14 “(C) the remaining nuclear forces of the
15 United States that are based in Europe after
16 such reduction, consolidation, or withdrawal
17 would provide a commensurate or better level of
18 assurance and credibility as before such reduc-
19 tion, consolidation, or withdrawal; and

20 “(D) there has been reciprocal action by
21 the Russian Federation, not including the Rus-
22 sian Federation relocating nuclear forces from
23 one location to another; or

1 “(3) the reduction, consolidation, or withdrawal
2 of such nuclear forces is specifically authorized by
3 an Act of Congress.

4 “(d) NOTIFICATION.—Upon any decision to reduce,
5 consolidate, or withdraw the nuclear forces of the United
6 States that are based in Europe, the President shall sub-
7 mit to the appropriate congressional committees a notifi-
8 cation containing—

9 “(1) the certification required by paragraph (2)
10 of subsection (c) if such reduction, consolidation, or
11 withdrawal is based upon such paragraph;

12 “(2) justification for such reduction, consolida-
13 tion, or withdrawal; and

14 “(3) an assessment of how NATO member
15 states, in light of such reduction, consolidation, or
16 withdrawal, assess the credibility of the deterrence
17 capability of the United States in support of its com-
18 mitments undertaken pursuant to article 5 of the
19 North Atlantic Treaty, signed at Washington, Dis-
20 trict of Columbia, on April 4, 1949, and entered into
21 force on August 24, 1949 (63 Stat. 2241; TIAS
22 1964).

23 “(e) NOTICE AND WAIT REQUIREMENT.—The Presi-
24 dent may not commence a reduction, consolidation, or
25 withdrawal of the nuclear forces of the United States that

1 are based in Europe for which the certification required
2 by subsection (e)(2) is made until the expiration of a 180-
3 day period beginning on the date on which the President
4 submits the notification under subsection (d) containing
5 the certification.

6 “(f) APPROPRIATE CONGRESSIONAL COMMITTEES.—
7 In this section, the term ‘appropriate congressional com-
8 mittees’ means—

9 “(1) the Committees on Armed Services of the
10 House of Representatives and the Senate; and

11 “(2) the Committee on Foreign Affairs of the
12 House of Representatives and the Committee on
13 Foreign Relations of the Senate.”.

14 (c) CLERICAL AMENDMENT.—The table of sections
15 at the beginning of chapter 24 of title 10, United States
16 Code, is amended by inserting after the item relating to
17 section 496 the following:

“497. Limitation on reduction, consolidation, or withdrawal of nuclear forces
based in Europe.”.

18 **SEC. 1061. IMPROVEMENTS TO NUCLEAR WEAPONS COUN-**
19 **CIL.**

20 Section 179 of title 10, United States Code, is
21 amended—

22 (1) in subsection (b)(3), by adding at the end
23 the following: “Not later than seven days before a
24 meeting, the Chairman shall disseminate to each

1 member of the Council the agenda and documents
2 for such meeting.”; and

3 (2) in subsection (d)—

4 (A) in paragraph (2), by inserting “and al-
5 ternatives” before the period;

6 (B) in paragraph (3), by inserting “and
7 approving” after “Coordinating”;

8 (C) in paragraph (7)—

9 (i) by striking “broad” and inserting
10 “specific”; and

11 (ii) by inserting before the period the
12 following: “and priorities among activities,
13 including production, surveillance, re-
14 search, construction, and any other pro-
15 grams within the National Nuclear Secu-
16 rity Administration”; and

17 (D) by adding at the end the following new
18 paragraph:

19 “(11) Coordinating and approving the annual
20 budget proposals of the National Nuclear Security
21 Administration, including before such proposals are
22 submitted to—

23 “(A) the Director of the Office of Manage-
24 ment and Budget;

25 “(B) the President; and

1 “(C) Congress under section 1105 of title
2 31.”.

3 **SEC. 1062. INTERAGENCY COUNCIL ON THE STRATEGIC CA-**
4 **PABILITY OF THE NATIONAL LABORATORIES.**

5 (a) ESTABLISHMENT.—Chapter 7 of title 10, United
6 States Code, is amended by adding at the end the fol-
7 lowing new section:

8 **“§ 188. Interagency Council on the Strategic Capa-**
9 **bility of the National Laboratories**

10 “(a) ESTABLISHMENT.—There is an Interagency
11 Council on the Strategic Capability of the National Lab-
12 oratories (in this section referred to as the ‘Council’).

13 “(b) MEMBERSHIP.—The membership of the Council
14 is comprised of the following:

15 “(1) The Secretary of Defense.

16 “(2) The Secretary of Energy.

17 “(3) The Secretary of Homeland Security.

18 “(4) The Director of National Intelligence.

19 “(5) The Administrator for Nuclear Security.

20 “(6) Such other officials as the President con-
21 siders appropriate.

22 “(c) STRUCTURE AND PROCEDURES.—The President
23 may determine the chair, structure, staff, and procedures
24 of the Council.

1 “(d) RESPONSIBILITIES.—The Council shall be re-
2 sponsible for the following matters:

3 “(1) Identifying and considering the science,
4 technology, and engineering capabilities of the na-
5 tional laboratories that could be leveraged by each
6 participating agency to support national security
7 missions.

8 “(2) Reviewing and assessing the adequacy of
9 the national security science, technology, and engi-
10 neering capabilities of the national laboratories for
11 supporting national security missions throughout the
12 Federal Government.

13 “(3) Establishing and overseeing means of en-
14 suring that—

15 “(A) capabilities identified by the Council
16 under paragraph (1) are sustained to an appro-
17 priate level; and

18 “(B) each participating agency provides
19 the appropriate level of institutional support to
20 sustain such capabilities.

21 “(4) In accordance with acquisition rules re-
22 garding federally funded research and development
23 centers, establishing criteria for when each partici-
24 pating agency should seek to use the services of the

1 national laboratories, including the identification of
2 appropriate mission areas and capabilities.

3 “(5) Making recommendations to the President
4 and Congress regarding regulatory or statutory
5 changes needed to better support—

6 “(A) the strategic capabilities of the na-
7 tional laboratories; and

8 “(B) the use of such laboratories by each
9 participating agency.

10 “(6) Other actions the Council considers appro-
11 priate with respect to—

12 “(A) the sustainment of the national lab-
13 oratories; and

14 “(B) the use of the strategic capabilities of
15 such laboratories.

16 “(e) STREAMLINED PROCESS.—With respect to the
17 participating agency for which a member of the Council
18 is the head of, each member of the Council shall—

19 “(1) establish processes to streamline the con-
20 sideration and approval of procuring the services of
21 the national laboratories on appropriate matters;
22 and

23 “(2) ensure that such processes are used in ac-
24 cordance with the criteria established under sub-
25 section (d)(4).

1 “(f) DEFINITIONS.—In this section:

2 “(1) The term ‘participating agency’ means a
3 department or agency of the Federal Government
4 that is represented on the Council by a member
5 under subsection (b).

6 “(2) The term ‘national laboratories’ means—

7 “(A) each national security laboratory (as
8 defined in section 3281(1) of the National Nu-
9 clear Security Administration Act (50 U.S.C.
10 2471(1))); and

11 “(B) each national laboratory of the De-
12 partment of Energy.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 at the beginning of such chapter is amended by adding
15 after the item relating to section 187 the following new
16 item:

“188. Interagency Council on the Strategic Capability of the National Labora-
tories.”.

17 (c) REPORT.—

18 (1) IN GENERAL.—Not later than July 1, 2013,
19 the Interagency Council on the Strategic Capability
20 of the National Laboratories under section 188 of
21 title 10, United States Code, as added by subsection
22 (a), shall submit to the appropriate congressional
23 committees a report describing and assessing the fol-
24 lowing:

1 (A) The actions taken to implement the re-
2 quirements of such section 188 and the charter
3 titled “Governance Charter for an Interagency
4 Council on the Strategic Capability of DOE Na-
5 tional Laboratories as National Security As-
6 sets” signed by the Secretary of Defense, the
7 Secretary of Energy, the Secretary of Home-
8 land Security, and the Director of National In-
9 telligence in July 2010.

10 (B) The effectiveness of the Council in ac-
11 complishing the purpose and objectives of such
12 section and such Charter.

13 (C) Efforts to strengthen work-for-others
14 programs at the national laboratories.

15 (D) Efforts to make work-for-others oppor-
16 tunities more cost-effective.

17 (E) Ongoing and planned measures for in-
18 creasing cost-sharing and institutional support
19 investments from other agencies.

20 (F) Any regulatory or statutory changes
21 recommended to improve the ability of such
22 other agencies to leverage expertise and capa-
23 bilities at such laboratories.

1 (2) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—In this subsection, the term “appropriate
3 congressional committees” means the following:

4 (A) The congressional defense committees.

5 (B) The Committee on Energy and Com-
6 merce of the House of Representatives and the
7 Committee on Energy and Natural Resources of
8 the Senate.

9 (C) The Committee on Homeland Security
10 of the House of Representatives and the Com-
11 mittee on Homeland Security and Govern-
12 mental Affairs of the Senate.

13 (D) The Committee on Science, Space, and
14 Technology of the House of Representatives
15 and the Committee on Commerce, Science, and
16 Transportation of the Senate.

17 (E) The Permanent Select Committee on
18 Intelligence of the House of Representatives
19 and the Select Committee on Intelligence of the
20 Senate.

21 (d) CONSTRUCTION.—Nothing in section 188 of title
22 10, United States Code, as added by subsection (a), shall
23 be construed to limit section 309 of the Homeland Secu-
24 rity Act of 2002 (6 U.S.C. 189).

1 **SEC. 1063. REPORT ON CAPABILITY OF CONVENTIONAL**
2 **AND NUCLEAR FORCES AGAINST CERTAIN**
3 **TUNNEL SITES.**

4 (a) REPORT.—Not later than one year after the date
5 of the enactment of this Act, the Commander of the
6 United States Strategic Command shall submit to the ap-
7 propriate congressional committees a report on the under-
8 ground tunnel network used by the People’s Republic of
9 China with respect to the capability of the United States
10 to use conventional and nuclear forces to neutralize such
11 tunnels and what is stored within such tunnels.

12 (b) FORM.—The report under subsection (a) shall be
13 submitted in unclassified form, but may include a classi-
14 fied annex.

15 (c) APPROPRIATE CONGRESSIONAL COMMITTEES.—
16 In this section, the term “appropriate congressional com-
17 mittees” means the following:

18 (1) The congressional defense committees.

19 (2) The Committee on Foreign Affairs of the
20 House of Representatives and the Committee on
21 Foreign Relations of the Senate.

22 **SEC. 1064. REPORT ON CONVENTIONAL AND NUCLEAR**
23 **FORCES IN THE WESTERN PACIFIC REGION.**

24 (a) SENSE OF CONGRESS.—Congress—

25 (1) supports steps taken by the President to—

1 (A) reinforce the security of the allies of
2 the United States; and

3 (B) strengthen the deterrent capability of
4 the United States against the illegal and in-
5 creasingly belligerent actions of North Korea;
6 and

7 (2) encourages further steps, including such
8 steps to deploy additional conventional forces of the
9 United States and redeploy tactical nuclear weapons
10 to the Western Pacific region.

11 (b) REPORT.—Not later than 90 days after the date
12 of the enactment of this Act, the Secretary of Defense,
13 in consultation with the Secretary of State, shall submit
14 to the congressional defense committees a report on de-
15 ploying additional conventional and nuclear forces to the
16 Western Pacific region to ensure the presence of a robust
17 conventional and nuclear capability, including a forward-
18 deployed nuclear capability, of the United States in re-
19 sponse to the ballistic missile and nuclear weapons devel-
20 opments of North Korea and the other belligerent actions
21 North Korea has made against allies of the United States.
22 The report shall include an evaluation of any bilateral
23 agreements, basing arrangements, and costs that would be
24 involved with such additional deployments.

1 **SEC. 1065. SENSE OF CONGRESS ON NUCLEAR ARSENAL.**

2 It is the sense of Congress that the nuclear force
3 structure of the United States should be periodically reex-
4 amined, through nuclear posture reviews, to assess as-
5 sumptions that shape the structure, size, and targeting of
6 the nuclear forces of the United States and to ensure that
7 such forces are structured, sized, and targeted—

8 (1) to be capable of holding at risk the assets
9 that potential adversaries value; and

10 (2) to provide robust extended deterrence and
11 assurance to allies of the United States.

12 **SEC. 1065A. BUDGET REQUIREMENTS ASSOCIATED WITH**
13 **SUSTAINING AND MODERNIZING THE NU-**
14 **CLEAR DETERRENT.**

15 Section 1043 of the National Defense Authorization
16 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
17 1576) is amended—

18 (1) in subsection (a)—

19 (A) in paragraph (2), by amending sub-
20 paragraph (F) to read as follows:

21 “(F) In accordance with paragraph (3), a
22 detailed estimate of the budget requirements as-
23 sociated with sustaining and modernizing the
24 nuclear deterrent of the United States and the
25 nuclear weapons stockpile of the United States,
26 including the costs associated with the plans

1 outlined under subparagraphs (A) through (E),
2 over the 10-year period following the date of
3 the report, including the applicable and appro-
4 priate costs associated with—

5 “(i) training;

6 “(ii) basing;

7 “(iii) security;

8 “(iv) testing;

9 “(v) research;

10 “(vi) development;

11 “(vii) deployment;

12 “(viii) transportation;

13 “(ix) personnel;

14 “(x) overhead; and

15 “(xi) other appropriate matters.”; and

16 (B) by adding at the end the following new
17 paragraph:

18 “(3) DETAILED BUDGET ESTIMATE CON-
19 TENTS.—Each budget estimate under paragraph
20 (2)(F) shall include a detailed description of the
21 matters included in such estimate, the rationale for
22 including such matters, and the cost listed by loca-
23 tion. Such costs listed by location shall be submitted
24 in the form of a classified annex in accordance with
25 subsection (b).”; and

1 less than the level described in the New START Treaty
 2 (as defined in section 130f(c) of this title) unless such ac-
 3 tion is—

4 “(1) required by a treaty or international agree-
 5 ment specifically approved with the advice and con-
 6 sent of the Senate pursuant to Article II, section 2,
 7 clause 2 of the Constitution; or

8 “(2) specifically authorized by an Act of Con-
 9 gress.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
 11 at the beginning of such chapter is amended by adding
 12 at the end the following new item:

“498. Prohibition on unilateral reduction of nuclear weapons.”.

13 **SEC. 1065C. LIMITATION ON AVAILABILITY OF FUNDS FOR**
 14 **RETIREMENT OF STRATEGIC DELIVERY SYS-**
 15 **TEMS.**

16 (a) LIMITATION.—Chapter 24 of title 10, United
 17 States Code, is amended by adding at the end the fol-
 18 lowing:

19 **“§ 498. Commensurate strategic delivery system re-**
 20 **ductions**

21 “(a) LIMITATION ON NEW START REDUCTIONS.—
 22 None of the funds authorized to be appropriated or other-
 23 wise made available for fiscal year 2013 or any fiscal year
 24 thereafter for the Department of Defense may be obli-
 25 gated or expended to reduce, convert, or decommission any

1 strategic delivery system pursuant to the levels set forth
2 for such systems under the New START Treaty unless
3 the President certifies to the congressional defense com-
4 mittees that—

5 “(1) the Russian Federation must make a com-
6 mensurate reduction, conversion, or decommissioning
7 pursuant to the levels set forth under such treaty;
8 and

9 “(2) the Russian Federation is not developing
10 or deploying a strategic delivery system that is—

11 “(A) not covered under the limits set forth
12 under such treaty; and

13 “(B) capable of reaching the United
14 States.

15 “(b) LIMITATION ON TRIAD REDUCTIONS.—None of
16 the funds authorized to be appropriated by this Act or
17 otherwise made available for fiscal year 2013 or any fiscal
18 year thereafter for the Department of Defense may be ob-
19 ligated or expended to reduce, convert, or decommission
20 any strategic delivery system if such reduction, conversion,
21 or decommissioning would eliminate a leg of the nuclear
22 triad.

23 “(c) DEFINITIONS.—In this section:

24 “(1) The term ‘New START Treaty’ means the
25 Treaty between the United States of America and

1 the Russian Federation on Measures for the Further
2 Reduction and Limitation of Strategic Offensive
3 Arms, signed on April 8, 2010, and entered into
4 force on February 5, 2011.

5 “(2) The term ‘strategic delivery system’ means
6 the following delivery platforms for nuclear weapons:

7 “(A) Land-based intercontinental ballistic
8 missiles.

9 “(B) Submarine-launched ballistic missiles
10 and associated ballistic missile submarines.

11 “(C) Nuclear-certified strategic bombers.

12 “(3) The term ‘triad’ means the nuclear deter-
13 rent capabilities of the United States composed of
14 the strategic delivery systems.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 at the beginning of such chapter is amended by inserting
17 after the item relating to section 497 the following new
18 item:

“498. Commensurate strategic delivery system reductions.”.

19 **Subtitle F—Studies and Reports**

20 **SEC. 1066. ASSESSMENT OF DEPARTMENT OF DEFENSE USE** 21 **OF ELECTROMAGNETIC SPECTRUM.**

22 Not later than 120 days after the date of the enact-
23 ment of this Act, the Secretary of Defense shall provide
24 to the congressional defense committees, the Committee
25 on Energy and Commerce of the House of Representa-

1 tives, and the Committee on Commerce, Science, and
2 Transportation of the Senate a briefing assessing the use
3 of electromagnetic spectrum by the Department of De-
4 fense, including—

5 (1) a comparison of the actual and projected
6 cost impact, time required to plan and implement,
7 and policy implications of electromagnetic spectrum
8 reallocations made since the enactment of the Omni-
9 bus Budget Reconciliation Act of 1993 (Public Law
10 103–66, 107 Stat. 312);

11 (2) an identification of critical electromagnetic
12 spectrum assignments where there is use by the De-
13 partment of Defense that—

14 (A) cannot be eliminated, relocated, con-
15 solidated in other electromagnetic spectrum
16 bands, or for which there is no commercial or
17 non-spectrum alternative, including a detailed
18 explanation of why that is the case; and

19 (B) can be eliminated, relocated, consoli-
20 dated in other electromagnetic spectrum bands,
21 or for which there is a commercial or non-spec-
22 trum alternative, including frequency of use,
23 time necessary to relocate or consolidate to an-
24 other electromagnetic spectrum band, and oper-
25 ational and cost impacts; and

1 (3) an analysis of the research being conducted
2 by the Department of Defense in electromagnetic
3 spectrum-sharing and other dynamic electromagnetic
4 spectrum access technologies, including maturity
5 level, applicability for spectrum relocation or consoli-
6 dation, and potential costs for continued develop-
7 ment or implementation.

8 **SEC. 1067. ELECTRONIC WARFARE STRATEGY OF THE DE-**
9 **PARTMENT OF DEFENSE.**

10 (a) **GUIDANCE REQUIRED.**—Not later than January
11 1, 2013, the Secretary of Defense shall review and update
12 Department of Defense guidance related to electronic war-
13 fare to ensure that oversight roles and responsibilities
14 within the Department related to electronic warfare policy
15 and programs are clearly defined. Such guidance shall
16 clarify, as appropriate, the roles and responsibilities re-
17 lated to the integration of electronic warfare matters and
18 cyberspace operations.

19 (b) **PLAN REQUIRED.**—Not later than January 1,
20 2013, the Commander of the United States Strategic
21 Command shall update and issue guidance regarding the
22 responsibilities of the Command with regard to joint elec-
23 tronic warfare capabilities. Such guidance shall—

24 (1) define the role and objectives of the Joint
25 Electromagnetic Spectrum Control Center or any

1 other center established in the Command to provide
2 governance and oversight of electronic warfare mat-
3 ters; and

4 (2) include an implementation plan outlining
5 tasks, metrics, and timelines to establish such a cen-
6 ter.

7 (c) ADDITIONAL REPORTING REQUIREMENTS.—Sec-
8 tion 1053(b)(1) of the National Defense Authorization Act
9 for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
10 2459) is amended—

11 (1) in subparagraph (B), by striking “; and”
12 and inserting a semicolon;

13 (2) in subparagraph (C), by striking the period
14 and inserting a semicolon; and

15 (3) by adding at the end the following new sub-
16 paragraphs:

17 “(D) performance measures to guide the
18 implementation of such strategy;

19 “(E) an identification of resources and in-
20 vestments necessary to implement such strat-
21 egy; and

22 “(F) an identification of the roles and re-
23 sponsibilities within the Department to imple-
24 ment such strategy.”.

1 **SEC. 1068. REPORT ON COUNTERPROLIFERATION CAPA-**
2 **BILITIES AND LIMITATIONS.**

3 (a) REPORT REQUIRED.—Not later than March 1,
4 2013, the Secretary of Defense shall provide to the con-
5 gressional defense committees a report outlining oper-
6 ational capabilities, limitations, and shortfalls within the
7 Department of Defense with respect to counterprolifera-
8 tion and combating weapons of mass destruction involving
9 special operations forces and key enabling forces.

10 (b) ELEMENTS.—The report required under sub-
11 section (a) shall include each of the following elements:

12 (1) An overview of current capabilities and limi-
13 tations.

14 (2) An overview and assessment of current and
15 future training requirements and gaps.

16 (3) An assessment of technical capability gaps.

17 (4) An assessment of interagency coordination
18 capabilities and gaps.

19 (5) An outline of current and future prolifera-
20 tion and weapons of mass destruction threats, in-
21 cluding critical intelligence gaps.

22 (6) An assessment of current international bi-
23 lateral and multilateral partnerships and the limita-
24 tions of such partnerships, including an assessment
25 of existing authorities to build partnership capacity
26 in this area.

1 (7) A description of efforts to address the limi-
2 tations and gaps referred to in paragraphs (1)
3 through (6), including timelines and requirements to
4 address such limitations and such gaps.

5 (8) Any other matters the Secretary considered
6 appropriate.

7 **SEC. 1069. REPORT ON COMMUNICATIONS FROM CON-**
8 **GRESS ON STATUS OF MILITARY CONSTRUC-**
9 **TION PROJECTS.**

10 (a) **REPORT REQUIRED.**—The Secretary of Defense
11 shall submit to Congress a report describing any letters
12 from Congress (including a committee of the Senate or
13 the House of Representatives, a member of Congress, an
14 officer of Congress, or a congressional staff member) re-
15 ceived by the Department of Defense that refers to or re-
16 quests information on the status of a military construction
17 project on the future-years defense program.

18 (b) **DEADLINE.**—The report required by subsection
19 (a) shall be submitted not later than one year after the
20 date of the enactment of this Act.

21 **SEC. 1070. FEDERAL MORTUARY AFFAIRS ADVISORY COM-**
22 **MISSION.**

23 (a) **ESTABLISHMENT.**—There is established a Fed-
24 eral Mortuary Affairs Advisory Commission.

1 (b) PURPOSE.—The purpose of the Commission shall
2 be to advise the President, the Secretary of Defense, the
3 Secretary of Veterans Affairs, and Congress on the best
4 practices for casualty notification, family support, and
5 mortuary affairs operations so as to ensure prompt notifi-
6 cation and compassionate and responsive support for fami-
7 lies who have lost servicemembers, and for the honorable
8 and dignified disposition of the remains of fallen
9 servicemembers.

10 (c) SCOPE.—Within the Department of Defense and
11 the Department of Veterans Affairs, the Commission shall
12 examine, on an ongoing basis, all matters that encompass
13 the notification of family members on the death of a serv-
14 icemember in said family; all family support programs,
15 policies, and procedures designed to assist affected fami-
16 lies; and all aspects of mortuary affairs operations, includ-
17 ing the final disposition of fallen servicemembers.

18 (d) COMPOSITION.—

19 (1) MEMBERS.—The Commission shall consist
20 of 13 members, appointed as follows:

21 (A) One member appointed by the Presi-
22 dent of the United States.

23 (B) One member appointed by the Speaker
24 of the House of Representatives.

1 (C) One member appointed by the Minor-
2 ity Leader of the House of Representatives.

3 (D) One member appointed by the Major-
4 ity Leader of the Senate.

5 (E) One member appointed by the Minor-
6 ity Leader of the Senate.

7 (F) One member appointed by the Chair-
8 man of the House Committee on Veterans Af-
9 fairs.

10 (G) One member appointed by the Ranking
11 Member of the House Committee on Veterans
12 Affairs.

13 (H) One member appointed by the Chair-
14 man of the House Committee on Armed Serv-
15 ices.

16 (I) One member appointed by the Ranking
17 Member of the House Committee on Armed
18 Services.

19 (J) One member appointed by the Chair-
20 man of the Senate Committee on Veterans Af-
21 fairs.

22 (K) One member appointed by the Rank-
23 ing Member of the Senate Committee on Vet-
24 erans Affairs.

1 (L) One member appointed by the Chair-
2 man of the Senate Committee on Armed Serv-
3 ices.

4 (M) One member appointed by the Chair-
5 man of the Senate Committee on Armed Serv-
6 ices.

7 (2) TERM.—Each member shall serve a term of
8 three years.

9 (3) MEETINGS AND QUORUM.—After its initial
10 meeting, the Commission shall meet upon the call of
11 the chairman or a majority of its members. Seven
12 members of the Commission shall constitute a
13 quorum.

14 (4) CHAIRMAN AND VICE CHAIRMAN.—Upon
15 convening for its first meeting, the Commission
16 members shall elect by majority vote a chairman and
17 vice chairman of the Commission.

18 (5) VACANCIES.—Any vacancy in the Commis-
19 sion shall not affect its powers, but shall be filled in
20 the same manner in which the original appointment
21 was made.

22 (e) QUALIFICATIONS.—

23 (1) POLITICAL PARTY AFFILIATION.—Not more
24 than 5 members of the Commission shall be from
25 the same political party.

1 (2) NONGOVERNMENTAL APPOINTEES.—An in-
2 dividual appointed to the Commission may not be an
3 officer or employee of the Federal Government.

4 (3) OTHER QUALIFICATIONS.—At least four in-
5 dividuals appointed to the Commission should in-
6 clude family members who have direct experience
7 dealing with the loss of a servicemember that in-
8 volved interactions with the Dover Port Mortuary.
9 At least three individuals should have extensive pri-
10 vate or public sector experience in mortuary science,
11 operations, procedures, and decorum.

12 (f) DURATION.—The Commission shall have a 5 year
13 duration, beginning after the last member of the Commis-
14 sion is appointed.

15 (g) MEETINGS AND REPORTS.—The Commission
16 shall hold regular public meetings, notification of which
17 shall appear in the Federal Register and on the Commis-
18 sion’s website. Not less than annually, the Commission
19 shall provide a written report to the President, the Sec-
20 retary of Defense, the Secretary of Veterans Affairs, and
21 Congress on—

22 (1) recommendations for improving casualty no-
23 tification, family support, and remains disposition;
24 and

1 (2) progress, or lack thereof, by the Depart-
2 ment of Defense and the Department of Veterans
3 Affairs in acting upon prior recommendations of the
4 Commission. Said report shall also be posted on the
5 Commission's website for public inspection.

6 (h) INFORMATION FROM FEDERAL AGENCIES.—

7 (1) IN GENERAL.—The Commission is author-
8 ized to secure directly from any executive depart-
9 ment, bureau, agency, board, Commission, office,
10 independent establishment, or instrumentality of the
11 Government, information, suggestions, estimates,
12 and statistics for the purposes of this title. Each de-
13 partment, bureau, agency, board, Commission, of-
14 fice, independent establishment, or instrumentality
15 shall, to the extent authorized by law, furnish such
16 information, suggestions, estimates, and statistics di-
17 rectly to the Commission, upon request made by the
18 chairman, the chairman of any subcommission cre-
19 ated by a majority of the Commission, or any mem-
20 ber designated by a majority of the Commission.

21 (2) RECEIPT, HANDLING, STORAGE, AND DIS-
22 SEMINATION.—Information shall only be received,
23 handled, stored, and disseminated by members of
24 the Commission and its staff consistent with all ap-
25 plicable statutes, regulations, and Executive orders.

1 (i) ASSISTANCE FROM FEDERAL AGENCIES.—

2 (1) GENERAL SERVICES ADMINISTRATION.—

3 The Administrator of General Services shall provide
4 to the Commission on a reimbursable basis adminis-
5 trative support and other services for the perform-
6 ance of the Commission's functions.

7 (2) OTHER DEPARTMENTS AND AGENCIES.—In

8 addition to the assistance prescribed in paragraph
9 (1), departments and agencies of the United States
10 may provide to the Commission such services, funds,
11 facilities, staff, and other support services as they
12 may determine advisable and as may be authorized
13 by law.

14 (j) STAFF OF COMMISSION.—

15 (1) APPOINTMENT AND COMPENSATION.—The

16 chairman, in consultation with vice chairman, in ac-
17 cordance with rules agreed upon by the Commission,
18 may appoint and fix the compensation of a staff di-
19 rector and such other personnel as may be necessary
20 to enable the Commission to carry out its functions,
21 without regard to the provisions of title 5, United
22 States Code, governing appointments in the competi-
23 tive service, and without regard to the provisions of
24 chapter 51 and subchapter III of chapter 53 of such
25 title relating to classification and General Schedule

1 pay rates, except that no rate of pay fixed under this
2 subsection may exceed the equivalent of that payable
3 for a position at level V of the Executive Schedule
4 under section 5316 of title 5, United States Code.

5 (2) PERSONNEL AS FEDERAL EMPLOYEES.—

6 (A) IN GENERAL.—The executive director
7 and any personnel of the Commission who are
8 employees shall be employees under section
9 2105 of title 5, United States Code, for pur-
10 poses of chapters 63, 81, 83, 84, 85, 87, 89,
11 and 90 of that title.

12 (B) MEMBERS OF COMMISSION.—Subpara-
13 graph (A) shall not be construed to apply to
14 members of the Commission.

15 (3) DETAILEES.—Any Federal Government em-
16 ployee may be detailed to the Commission without
17 reimbursement from the Commission, and such
18 detailee shall retain the rights, status, and privileges
19 of his or her regular employment without interrup-
20 tion.

21 (4) CONSULTANT SERVICES.—The Commission
22 is authorized to procure the services of experts and
23 consultants in accordance with section 3109 of title
24 5, United States Code, but at rates not to exceed the
25 daily rate paid a person occupying a position at level

1 IV of the Executive Schedule under section 5315 of
2 title 5, United States Code.

3 (k) COMPENSATION AND TRAVEL EXPENSES.—

4 (1) COMPENSATION.—Each member of the
5 Commission may be compensated at not to exceed
6 the daily equivalent of the annual rate of basic pay
7 in effect for a position at level IV of the Executive
8 Schedule under section 5315 of title 5, United
9 States Code, for each day during which that member
10 is engaged in the actual performance of the duties
11 of the Commission.

12 (2) TRAVEL EXPENSES.—While away from
13 their homes or regular places of business in the per-
14 formance of services for the Commission, members
15 of the Commission shall be allowed travel expenses,
16 including per diem in lieu of subsistence, in the
17 same manner as persons employed intermittently in
18 the Government service are allowed expenses under
19 section 5703(b) of title 5, United States Code.

20 **SEC. 1070A. REPORT ON MANUFACTURING INDUSTRY.**

21 Not later than 180 days after the date of the enact-
22 ment of this Act, the Secretary of Defense shall submit
23 to Congress a report assessing the manufacturing industry
24 of the United States. The report shall include, at a min-
25 imum, the following:

1 (1) An assessment of the current manufac-
2 turing capacity of the United States as it relates to
3 the ability of the United States to respond to both
4 civilian and defense needs.

5 (2) An assessment of the tax, trade, and regu-
6 latory policies of the United States as such policies
7 impact the growth of the manufacturing industry in
8 the United States.

9 (3) An analysis of the factors leading to the in-
10 creased outsourcing of manufacturing processes to
11 foreign nations.

12 (4) An analysis of the strength of the United
13 States defense industrial base, including the security
14 and stability of the supply chain and an assessment
15 of the vulnerabilities of that supply chain.

16 **SEC. 1070B. REPORT ON LONG-TERM COSTS OF OPERATION**

17 **NEW DAWN, OPERATION ENDURING FREE-**
18 **DOM, AND OTHER CONTINGENCY OPER-**
19 **ATIONS.**

20 (a) **REPORT REQUIREMENT.**—Not later than 90 days
21 after the date of the enactment of this Act, the President,
22 with contributions from the Secretary of Defense, the Sec-
23 retary of State, and the Secretary of Veterans Affairs,
24 shall submit to Congress a report containing an estimate

1 of the long-term costs of Operation New Dawn and Oper-
2 ation Enduring Freedom for each the following scenarios:

3 (1) The scenario in which the number of mem-
4 bers of the Armed Forces deployed in support of Op-
5 eration Enduring Freedom is reduced from roughly
6 90,000 in 2012 to 67,000 in 2013, and 50,000 by
7 the beginning of 2014, and remains at 50,000
8 through 2020.

9 (2) The scenario in which the number of mem-
10 bers of the Armed Forces deployed in support of Op-
11 eration Enduring Freedom is reduced from roughly
12 90,000 in 2012 to 60,000 in 2013, and 30,000 by
13 the beginning of 2014, and remains at 30,000
14 through 2020.

15 (3) An alternative scenario, determined by the
16 President and based on current contingency oper-
17 ation and withdrawal plans, which takes into ac-
18 count expected force levels and the expected length
19 of time that members of the Armed Forces will be
20 deployed in support of Operation Enduring Free-
21 dom.

22 (b) ESTIMATES TO BE USED IN PREPARATION OF
23 REPORT.—In preparing the report required by subsection
24 (b), the President shall make estimates and projections
25 through at least fiscal year 2020, adjust any dollar

1 amounts appropriately for inflation, and take into account
2 and specify each of the following:

3 (1) The total number of members of the Armed
4 Forces expected to be deployed in support of Oper-
5 ation Enduring Freedom, and Operation Odyssey
6 Dawn, including—

7 (A) the number of members of the Armed
8 Forces actually deployed in Southwest Asia in
9 support of Operation New Dawn, Operation
10 Enduring Freedom, and Operation Odyssey
11 Dawn;

12 (B) the number of members of reserve
13 components of the Armed Forces called or or-
14 dered to active duty in the United States for
15 the purpose of training for eventual deployment
16 in Southwest Asia, backfilling for deployed
17 troops, or supporting other Department of De-
18 fense missions directly or indirectly related to
19 Operation New Dawn, Operation Enduring
20 Freedom, and Operation Odyssey Dawn; and

21 (C) the break-down of deployments of
22 members of the regular and reserve components
23 and activation of members of the reserve com-
24 ponents.

1 (2) The number of members of the Armed
2 Forces, including members of the reserve compo-
3 nents, who have previously served in support of Op-
4 eration Iraqi Freedom, Operation New Dawn, Oper-
5 ation Enduring Freedom, and Operation Odyssey
6 Dawn and who are expected to serve multiple de-
7 ployments.

8 (3) The number of contractors and private mili-
9 tary security firms that have been used and are ex-
10 pected to be used during the course of Operation
11 Iraqi Freedom, Operation New Dawn, Operation
12 Enduring Freedom, and Operation Odyssey Dawn.

13 (4) The number of veterans currently suffering
14 and expected to suffer from post-traumatic stress
15 disorder, traumatic brain injury, or other mental in-
16 juries.

17 (5) The number of veterans currently in need of
18 and expected to be in need of prosthetic care and
19 treatment because of amputations incurred during
20 service in support of Operation Iraqi Freedom, Op-
21 eration New Dawn, and Operation Enduring Free-
22 dom.

23 (6) The current number of pending Department
24 of Veterans Affairs claims from veterans of military
25 service in Iraq, Afghanistan, and Libya, and the

1 total number of such veterans expected to seek dis-
2 ability compensation from the Department of Vet-
3 erans Affairs.

4 (7) The total number of members of the Armed
5 Forces who have been killed or wounded in Iraq, Af-
6 ghanistan, or Libya, including noncombat casualties,
7 the total number of members expected to suffer inju-
8 ries in Iraq, Afghanistan, and Libya, and the total
9 number of members expected to be killed in Iraq,
10 Afghanistan, and Libya, including noncombat cas-
11 ualties.

12 (8) The amount of funds previously appro-
13 priated for the Department of Defense, the Depart-
14 ment of State, and the Department of Veterans Af-
15 fairs for costs related to Operation Iraqi Freedom,
16 Operation New Dawn, and Operation Enduring
17 Freedom, including an account of the amount of
18 funding from regular Department of Defense, De-
19 partment of State, and Department of Veterans Af-
20 fairs budgets that has gone and will go to costs asso-
21 ciated with such operations.

22 (9) Current and future operational expenditures
23 associated with Operation New Dawn, Operation
24 Enduring Freedom, and Operation Odyssey Dawn
25 including—

1 (A) funding for combat operations;

2 (B) deploying, transporting, feeding, and
3 housing members of the Armed Forces (includ-
4 ing fuel costs);

5 (C) activation and deployment of members
6 of the reserve components of the Armed Forces;

7 (D) equipping and training of Iraqi and
8 Afghani forces;

9 (E) purchasing, upgrading, and repairing
10 weapons, munitions, and other equipment con-
11 sumed or used in Operation Iraqi Freedom, Op-
12 eration New Dawn, Operation Enduring Free-
13 dom, and Operation Odyssey Dawn; and

14 (F) payments to other countries for
15 logistical assistance in support of such oper-
16 ations.

17 (10) Past, current, and future costs of entering
18 into contracts with private military security firms
19 and other contractors for the provision of goods and
20 services associated with Operation Iraqi Freedom,
21 Operation New Dawn, Operation Enduring Free-
22 dom, and Operation Odyssey Dawn.

23 (11) Average annual cost for each member of
24 the Armed Forces deployed in support of Operation
25 Iraqi Freedom, Operation New Dawn, Operation

1 Enduring Freedom, and Operation Odyssey Dawn,
2 including room and board, equipment and body
3 armor, transportation of troops and equipment (in-
4 cluding fuel costs), and operational costs.

5 (12) Current and future cost of combat-related
6 special pays and benefits, including reenlistment bo-
7 nuses.

8 (13) Current and future cost of calling or or-
9 dering members of the reserve components to active
10 duty in support of Operation New Dawn, Operation
11 Enduring Freedom, and Operation Odyssey Dawn.

12 (14) Current and future cost for reconstruction,
13 embassy operations and construction, and foreign
14 aid programs for Iraq and Afghanistan.

15 (15) Current and future cost of bases and other
16 infrastructure to support members of the Armed
17 Forces serving in Iraq and Afghanistan.

18 (16) Current and future cost of providing
19 health care for veterans who served in support of
20 Operation Iraqi Freedom, Operation New Dawn,
21 Operation Enduring Freedom, and Operation Odys-
22 sey Dawn—

23 (A) the cost of mental health treatment for
24 veterans suffering from post-traumatic stress

1 disorder and traumatic brain injury, and other
2 mental problems as a result of such service; and

3 (B) the cost of lifetime prosthetics care
4 and treatment for veterans suffering from am-
5 putations as a result of such service.

6 (17) Current and future cost of providing De-
7 partment of Veterans Affairs disability benefits for
8 the lifetime of veterans who incur disabilities while
9 serving in support of Operation Iraqi Freedom, Op-
10 eration New Dawn, Operation Enduring Freedom,
11 or Operation Odyssey Dawn.

12 (18) Current and future cost of providing sur-
13 vivors' benefits to survivors of members of the
14 Armed Forces killed while serving in support of Op-
15 eration Iraqi Freedom, Operation New Dawn, Oper-
16 ation Enduring Freedom, or Operation Odyssey
17 Dawn.

18 (19) Cost of bringing members of the Armed
19 Forces and equipment back to the United States
20 upon the conclusion of Operation New Dawn, Oper-
21 ation Enduring Freedom, or Operation Odyssey
22 Dawn, including the cost of demobilization, trans-
23 portation costs (including fuel costs), providing tran-
24 sition services for members of the Armed Forces
25 transitioning from active duty to veteran status,

1 transporting equipment, weapons, and munitions
2 (including fuel costs), and an estimate of the value
3 of equipment that will be left behind.

4 (20) Cost to restore the military and military
5 equipment, including the equipment of the reserve
6 components, to full strength after the conclusion of
7 Operation New Dawn or Operation Enduring Free-
8 dom.

9 (21) Amount of money borrowed to pay for Op-
10 eration Iraqi Freedom, Operation New Dawn, Oper-
11 ation Enduring Freedom, or Operation Odyssey
12 Dawn, and the sources of that money.

13 (22) Interest on money borrowed, including in-
14 terest for money already borrowed and anticipated
15 interest payments on future borrowing, for Oper-
16 ation Iraqi Freedom, Operation New Dawn, Oper-
17 ation Enduring Freedom, or Operation Odyssey
18 Dawn.

1 **Subtitle G—Miscellaneous**
2 **Authorities and Limitations**

3 **SEC. 1071. RULE OF CONSTRUCTION RELATING TO PROHI-**
4 **BITION ON INFRINGING ON THE INDIVIDUAL**
5 **RIGHT TO LAWFULLY ACQUIRE, POSSESS,**
6 **OWN, CARRY, AND OTHERWISE USE PRI-**
7 **VATELY OWNED FIREARMS, AMMUNITION,**
8 **AND OTHER WEAPONS.**

9 Section 1062(c) of the Ike Skelton National Defense
10 Authorization Act for Fiscal Year 2011 (Public Law 111–
11 383; 124 Stat. 4363) is amended—

12 (1) in paragraph (1)(B), by striking “; or” and
13 inserting a semicolon;

14 (2) in paragraph (2), by striking “others.” and
15 inserting “others; or”; and

16 (3) by adding at the end the following new
17 paragraph:

18 “(3) authorize a mental health professional that
19 is a member of the Armed Forces or a civilian em-
20 ployee of the Department of Defense or a com-
21 manding officer to inquire if a member of the Armed
22 Forces plans to acquire, or already possesses or
23 owns, a privately-owned firearm, ammunition, or
24 other weapon, if such mental health professional or
25 such commanding officer has reasonable grounds to

1 believe such member is at high risk for suicide or
2 causing harm to others.”.

3 **SEC. 1072. EXPANSION OF AUTHORITY OF THE SECRETARY**
4 **OF THE ARMY TO LOAN OR DONATE EXCESS**
5 **SMALL ARMS FOR FUNERAL AND OTHER CER-**
6 **EMONIAL PURPOSES.**

7 Section 4683(a) of title 10, United States Code, is
8 amended by adding at the end the following new para-
9 graph:

10 “(3)(A) In order to meet the needs of an eligi-
11 ble organization with respect to performing funeral
12 and other ceremonies, if the Secretary determines
13 appropriate, the Secretary may—

14 “(i) loan or donate excess small arms to an
15 eligible organization;

16 “(ii) authorize an eligible organization to
17 retain small arms other than M-1 rifles; or

18 “(iii) if excess small arms stock is insuffi-
19 cient to meet organizational requirements, pre-
20 scribe policies and procedures to establish a ro-
21 tational loan program based on the needs of eli-
22 gible organizations.

23 “(B) Nothing in this paragraph shall be con-
24 strued to supersede any Federal law or regulation
25 governing the use or ownership of firearms.

1 “(C) The Secretary may not delegate the au-
2 thority under this paragraph.”.

3 **SEC. 1073. PROHIBITION ON THE USE OF FUNDS FOR MAN-**
4 **UFACTURING BEYOND LOW-RATE INITIAL**
5 **PRODUCTION AT CERTAIN PROTOTYPE INTE-**
6 **GRATION FACILITIES.**

7 (a) PROHIBITION.—None of the funds authorized to
8 be appropriated by this Act may be used for manufac-
9 turing production beyond the greater of low-rate initial
10 production or 1000 units at a prototype integration facil-
11 ity of any of the following components of the Army Re-
12 search, Development, and Engineering Command:

13 (1) The Armament Research, Development, and
14 Engineering Center.

15 (2) The Aviation and Missile Research, Devel-
16 opment, and Engineering Center.

17 (3) The Communications-Electronics Research,
18 Development, and Engineering Center.

19 (4) The Tank Automotive Research, Develop-
20 ment, and Engineering Center.

21 (b) WAIVER.—The Assistant Secretary of the Army
22 for Acquisition, Logistics, and Technology may waive the
23 prohibition under subsection (a) for a fiscal year if—

24 (1) the Assistant Secretary determines that the
25 waiver is necessary—

1 (A) for reasons of national security; or

2 (B) to rapidly acquire equipment to re-
3 spond to combat emergencies; and

4 (2) the Assistant Secretary submits to Congress
5 a notification of the waiver together with the reasons
6 for the waiver.

7 (c) **LOW-RATE INITIAL PRODUCTION.**—For purposes
8 of this section, the term “low-rate initial production” shall
9 be determined in accordance with section 2400 of title 10,
10 United States Code.

11 **SEC. 1074. INTERAGENCY COLLABORATION ON UNMANNED**
12 **AIRCRAFT SYSTEMS.**

13 (a) **FINDINGS ON JOINT DEPARTMENT OF DEFENSE-**
14 **FEDERAL AVIATION ADMINISTRATION EXECUTIVE COM-**
15 **MITTEE ON CONFLICT AND DISPUTE RESOLUTION.**—Sec-
16 tion 1036(a) of the Duncan Hunter National Defense Au-
17 thorization Act for Fiscal Year 2009 (Public Law 110-
18 417; 122 Stat. 4596) is amended by adding at the end
19 the following new paragraph:

20 “(9) Collaboration of scientific and technical
21 personnel and sharing resources from the Depart-
22 ment of Defense, Federal Aviation Administration,
23 and National Aeronautics and Space Administration
24 can advance an enduring relationship of research ca-
25 pability to advance the access of unmanned aircraft

1 systems of the Department of Defense to the Na-
2 tional Airspace System.”.

3 (b) INTERAGENCY COLLABORATION.—

4 (1) IN GENERAL.—The Secretary of Defense
5 shall collaborate with the Administrator of the Fed-
6 eral Aviation Administration and the Administrator
7 of the National Aeronautics and Space Administra-
8 tion to conduct research and seek solutions to chal-
9 lenges associated with the safe integration of un-
10 manned aircraft systems into the National Airspace
11 System in accordance with subtitle B of title III of
12 the FAA Modernization and Reform Act of 2012
13 (Public Law 112–95; 126 Stat. 72).

14 (2) ACTIVITIES IN SUPPORT OF PLAN ON AC-
15 CESS TO NATIONAL AIRSPACE FOR UNMANNED AIR-
16 CRAFT SYSTEMS.—Collaboration under paragraph
17 (1) may include research and development of sci-
18 entific and technical issues, equipment, and tech-
19 nology in support of the plan to safely accelerate the
20 integration of unmanned aircraft systems as re-
21 quired by subtitle B of title III of the FAA Mod-
22 ernization and Reform Act of 2012 (Public Law
23 112–95; 126 Stat. 72).

24 (3) NONDUPLICATIVE EFFORTS.—If the Sec-
25 retary of Defense determines it is in the interest of

1 the Department of Defense, the Secretary may use
2 existing aerospace-related laboratories, personnel,
3 equipment research radars, and ground facilities of
4 the Department of Defense to avoid the duplication
5 of efforts in carrying out collaboration under para-
6 graph (1).

7 (4) REPORTS.—

8 (A) REQUIREMENT.—The Secretary of De-
9 fense, on behalf of the UAS Executive Com-
10 mittee, shall annually submit to the congres-
11 sional defense committees, the Committee on
12 Transportation and Infrastructure and the
13 Committee on Science, Space, and Technology
14 of the House of Representatives, and the Com-
15 mittee on Commerce, Science, and Transpor-
16 tation of the Senate a report on the progress of
17 collaborative research activity, including—

18 (i) the progress on accomplishing the
19 goals of the unmanned aircraft systems re-
20 search, development, and demonstration
21 roadmap of the Next Generation Air
22 Transportation System Joint Planning and
23 Development Office of the Federal Avia-
24 tion Administration; and

1 (ii) estimates of long-term funding
2 needs.

3 (B) TERMINATION.—The requirement to
4 submit a report under subparagraph (A) shall
5 terminate on the date that is five years after
6 the date of the enactment of this Act.

7 (c) UAS EXECUTIVE COMMITTEE DEFINED.—In this
8 section, the term “UAS Executive Committee” means the
9 Department of Defense–Federal Aviation Administration
10 executive committee described in section 1036(b) of the
11 Duncan Hunter National Defense Authorization Act for
12 Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4596)
13 established by the Secretary of Defense and the Adminis-
14 trator of the Federal Aviation Administration.

15 **SEC. 1075. AUTHORITY TO TRANSFER SURPLUS MINE-RE-**
16 **SISTANT AMBUSH-PROTECTED VEHICLES**
17 **AND SPARE PARTS.**

18 (a) AUTHORITY.—The Secretary of Defense is au-
19 thorized to transfer surplus Mine-Resistant Ambush-Pro-
20 tected vehicles, including spare parts for such vehicles, to
21 non-profit United States humanitarian demining organiza-
22 tions for purposes of demining activities and training of
23 such organizations.

1 (b) TERMS AND CONDITIONS.—Any transfer of vehi-
2 cles or spare parts under subsection (a) shall be subject
3 to the following terms and conditions:

4 (1) The transfer shall be made on a loan basis.

5 (2) The costs of operation and maintenance of
6 the vehicles shall be borne by the recipient organiza-
7 tion.

8 (3) Any other terms and conditions as the Sec-
9 retary of Defense determines to be appropriate.

10 (c) NOTIFICATION.—The Secretary of Defense shall
11 notify the congressional defense committees in writing not
12 less than 60 days before making any transfer of vehicles
13 or spare parts under subsection (a). Such notification shall
14 include the name of the organization, the number and
15 model of the vehicle to be transferred, a listing of any
16 spare parts to be transferred, and any other information
17 the Secretary considers appropriate.

18 **SEC. 1076. LIMITATION ON AVAILABILITY OF FUNDS FOR**
19 **RETIREMENT OF AIRCRAFT.**

20 (a) IN GENERAL.—Except as provided by section
21 135, none of the funds authorized to be appropriated by
22 this Act or otherwise made available for fiscal year 2013
23 for the Army or the Air Force may be used during fiscal
24 year 2013 to divest, retire, or transfer, or prepare to di-
25 vest, retire, or transfer, any—

1 (1) C-23 aircraft of the Army assigned to the
2 Army as of May 31, 2012; or

3 (2) aircraft of the Air Force assigned to the Air
4 Force as of May 31, 2012.

5 (b) WAIVER.—The Secretary of Defense may waive
6 the limitation in subsection (a) if—

7 (1) the Secretary submits to the congressional
8 defense committees written certification that such a
9 waiver is necessary to meet an emergency national
10 security requirement; and

11 (2) a period of 15 days has elapsed following
12 the date on which such certification is submitted.

13 (c) REPORT.—

14 (1) IN GENERAL.—Not later than March 1,
15 2013, the Secretary of Defense shall submit to the
16 congressional defense committees a report by the
17 Chief of the National Guard Bureau, the Chief of
18 Staff of the Air Force, and the Chief of Staff of the
19 Army and approved by the Secretary of Defense that
20 specifies, with respect to all aircraft proposed to be
21 retired during fiscal years 2013 through 2017—

22 (A) the economic analysis used to make
23 each realignment decision with respect to such
24 aircraft of the National Guard and Air Force
25 Reserve;

1 (B) alternative options considered for each
2 such realignment decision, including an analysis
3 of such options;

4 (C) the effect of each such realignment de-
5 cision on—

6 (i) the current personnel at the loca-
7 tion; and

8 (ii) the missions and capabilities of
9 the Army; and

10 (D) the plans for each location that is
11 being realigned, including the analysis used for
12 such plans.

13 (2) GAO ANALYSIS.—The Comptroller General
14 of the United States shall carry out the following:

15 (A) An economic analysis of the realign-
16 ment decisions made by the Secretary of De-
17 fense with respect to the aircraft of the Na-
18 tional Guard and Air Force Reserve described
19 in paragraph (1)(A).

20 (B) An analysis of the alternative options
21 considered for each such realignment decision.

22 (C) An analysis of the effect of each such
23 realignment decision on—

24 (i) the current personnel at the loca-
25 tion; and

1 (ii) the missions and capabilities of
2 the Army; and

3 (D) An analysis of the plans described in
4 paragraph (1)(D).

5 (3) COOPERATION.—The Secretary of Defense
6 shall provide the Comptroller General with relevant
7 data and cooperation to carry out the analyses under
8 paragraph (2).

9 (4) SUBMITTAL.—Not later than 90 days after
10 the date on which the Secretary submits the report
11 under paragraph (1), the Comptroller General shall
12 submit to the congressional defense committees a re-
13 port containing the analyses conducted under para-
14 graph (2).

15 **SEC. 1077. PROHIBITION ON DEPARTMENT OF DEFENSE**
16 **USE OF NONDISCLOSURE AGREEMENTS TO**
17 **PREVENT MEMBERS OF THE ARMED FORCES**
18 **AND CIVILIAN EMPLOYEES OF THE DEPART-**
19 **MENT FROM COMMUNICATING WITH MEM-**
20 **BERS OF CONGRESS.**

21 (a) INCLUSION OF CIVILIAN EMPLOYEES IN CUR-
22 RENT PROHIBITION ON RESTRICTING COMMUNICATION.—
23 Paragraph (1) of subsection (a) of section 1034 of title
24 10, United States Code, is amended by inserting “or civil-

1 ian employee of the Department of Defense” after “mem-
2 ber of the armed forces”.

3 (b) PROHIBITION ON USING NONDISCLOSURE
4 AGREEMENTS TO RESTRICT COMMUNICATION.—Such
5 subsection is further amended—

6 (1) by redesignating paragraph (2) as para-
7 graph (3); and

8 (2) by inserting after paragraph (1) the fol-
9 lowing new paragraph:

10 “(2)(A) The prohibition imposed by paragraph (1)
11 precludes the use of a nondisclosure agreement with a
12 member of the armed forces or a civilian employee of the
13 Department of Defense to restrict the member or em-
14 ployee in communicating with a Member of Congress or
15 an Inspector General.

16 “(B) Subparagraph (A) does not prevent the use of
17 nondisclosure agreements to prevent the disclosure of—

18 “(i) deliberations regarding the closure or re-
19 alignment of a military installation under a base clo-
20 sure law;

21 “(ii) commercial proprietary information; and

22 “(iii) classified information the level of which
23 exceeds the clearance held by the requestor.”.

1 **SEC. 1078. AUTHORITY FOR CORPS OF ENGINEERS TO CON-**
2 **STRUCT PROJECTS CRITICAL TO NAVIGA-**
3 **TION SAFETY.**

4 The Secretary of the Army, acting through the Chief
5 of Engineers, may accept non-Federal funds and use such
6 funds to construct a navigation project that has not been
7 specifically authorized by law if—

8 (1) the Secretary has received a completed
9 Chief of Engineers' report for the project;

10 (2) the project is fully funded by non-Federal
11 sources using non-Federal funds; and

12 (3) the Secretary finds that the improvements
13 to be made by the project are critical to navigation
14 safety.

15 **SEC. 1079. REVIEW OF AIR NATIONAL GUARD COMPONENT**
16 **NUMBERED AIR FORCE AUGMENTATION**
17 **FORCE.**

18 (a) REVIEW.—

19 (1) IN GENERAL.—The Secretary of the Air
20 Force shall conduct a review of the decision of the
21 Secretary to cancel or consolidate the Air National
22 Guard Component Numbered Air Force Augmenta-
23 tion Force.

24 (2) MATTERS INCLUDED.—The review under
25 paragraph (1) shall include the following:

1 (A) An explanation of how the Secretary
2 determined which Air National Guard Aug-
3 mentation Units would be retired or relocated
4 during fiscal year 2013.

5 (B) A description of the methodologies un-
6 derlying such determinations, including the fac-
7 tors and assumptions that shaped the specific
8 determinations.

9 (C) The rationale for selecting Augmenta-
10 tion Units to be retired or relocated with re-
11 spect to such Units of the Air National Guard.

12 (D) An explanation of how such consolida-
13 tion or relocation affects national security.

14 (E) Details of the costs incurred, avoided,
15 or saved with respect to consolidation or reloca-
16 tion of Augmentation Units.

17 (b) REPORT.—Not later than 90 days after the date
18 of the enactment of this Act, the Secretary shall submit
19 to the congressional defense committees a report on the
20 review conducted under subsection (a)(1).

21 (c) COMPTROLLER GENERAL REVIEW.—Not later
22 than 60 days after the date on which the report is sub-
23 mitted under subsection (b), the Comptroller General of
24 the United States shall submit to the congressional de-
25 fense committees a review of such report.

1 **Subtitle H—Other Matters**

2 **SEC. 1081. BIPARTISAN INDEPENDENT STRATEGIC REVIEW**

3 **PANEL.**

4 (a) BIPARTISAN INDEPENDENT STRATEGIC REVIEW

5 PANEL.—

6 (1) ESTABLISHMENT.—Chapter 2 of title 10,
7 United States Code, is amended by adding at the
8 end the following new section:

9 **“§ 119b. Bipartisan independent strategic review**
10 **panel**

11 “(a) ESTABLISHMENT.—There is established a bipar-
12 tisan independent strategic review panel (in this section
13 referred to as the ‘Panel’) to conduct a regular review of
14 the national defense strategic environment of the United
15 States and to conduct an independent assessment of the
16 quadrennial defense review required under section 118.

17 “(b) MEMBERSHIP.—

18 “(1) APPOINTMENT.—The Panel shall be com-
19 posed of 12 members from civilian life with a recog-
20 nized expertise in national security matters who
21 shall be appointed as follows:

22 “(A) Four members shall be appointed by
23 the Secretary of Defense, of whom not more
24 than three members shall be of the same polit-
25 ical party.

1 “(B) Two members shall be appointed by
2 the chair of the Committee on Armed Services
3 of the House of Representatives.

4 “(C) Two members shall be appointed by
5 the chair of the Committee on Armed Services
6 of the Senate.

7 “(D) Two members shall be appointed by
8 the ranking minority member of the Committee
9 on Armed Services of the House of Representa-
10 tives.

11 “(E) Two members shall be appointed by
12 the ranking minority member of the Committee
13 on Armed Services of the Senate.

14 “(2) INITIAL MEMBERS: APPOINTMENT DATE
15 AND TERM OF SERVICE.—

16 “(A) APPOINTMENT DATE.—The initial
17 members of the Panel shall be appointed under
18 paragraph (1) not later than January 30, 2013.

19 “(B) TERMS.—

20 “(i) The Secretary of Defense shall
21 designate two initial members of the Panel
22 appointed under paragraph (1)(A) to serve
23 terms that expire on December 31, 2013,
24 and two such initial members to serve
25 terms that expire on December 31, 2014.

1 “(ii) The chair of the Committee on
2 Armed Services of the House of Represent-
3 atives shall designate one initial member of
4 the Panel appointed under paragraph
5 (1)(B) to serve a term that expires on De-
6 cember 31, 2013, and one such initial
7 member to serve a term that expires on
8 December 31, 2014.

9 “(iii) The chair of the Committee on
10 Armed Services of the Senate shall des-
11 ignate one initial member of the Panel ap-
12 pointed under paragraph (1)(C) to serve a
13 term that expires on December 31, 2013,
14 and one such initial member to serve a
15 term that expires on December 31, 2014.

16 “(iv) The ranking minority member of
17 the Committee on Armed Services of the
18 House of Representatives shall designate
19 one initial member of the Panel appointed
20 under paragraph (1)(D) to serve a term
21 that expires on December 31, 2013, and
22 one such initial member to serve a term
23 that expires on December 31, 2014.

24 “(v) The ranking minority member of
25 the Committee on Armed Services of the

1 Senate shall designate one initial member
2 of the Panel appointed under paragraph
3 (1)(E) to serve a term that expires on De-
4 cember 31, 2013, and one such initial
5 member to serve a term that expires on
6 December 31, 2014.

7 “(3) CHAIRS.—The Secretary of Defense shall
8 designate two members appointed pursuant to para-
9 graph (1)(A) that are not of the same political party
10 to serve as the Chairs of the Panel.

11 “(4) VACANCIES.—

12 “(A) A vacancy in the Panel shall be filled
13 in the same manner as the original appointment
14 and not later than 30 days after the date on
15 which the vacancy begins.

16 “(B) A member of the Panel appointed to
17 fill a vacancy shall be appointed for a term that
18 expires—

19 “(i) in the case of an appointment to
20 fill a vacancy resulting from a person not
21 serving the entire term for which such per-
22 son was appointed, at the end of the re-
23 mainder of such term; and

24 “(ii) in the case of an appointment to
25 fill a vacancy resulting from the expiration

1 of the term of a member of the panel, two
2 years after the date on which the term of
3 such member expired.

4 “(5) REAPPOINTMENT.—Members of the Panel
5 may be reappointed to the Panel for additional
6 terms of service.

7 “(6) PAY.—The members of the Panel shall
8 serve without pay

9 “(7) TRAVEL EXPENSES.—Each member of the
10 Panel shall receive travel expenses, including per
11 diem in lieu of subsistence, in accordance with appli-
12 cable provisions under subchapter I of chapter 57 of
13 title 5, United States Code.

14 “(c) DUTIES.—

15 “(1) REVIEW OF NATIONAL DEFENSE STRA-
16 TEGIC ENVIRONMENT.—The Panel shall every four
17 years, during a year following a year evenly divisible
18 by four, review the national defense strategic envi-
19 ronment of the United States. Such review shall in-
20 clude a review and assessment of—

21 “(A) the national defense environment, in-
22 cluding challenges and opportunities;

23 “(B) the national defense strategy and pol-
24 icy;

1 “(C) the national defense roles, missions,
2 and organizations;

3 “(D) the risks to the national defense of
4 the United States and how such risks affect
5 challenges and opportunities to national de-
6 fense; and

7 “(2) ADDITIONAL REVIEWS.—The Panel may
8 conduct additional reviews under paragraph (1) as
9 requested by Congress or the Secretary of Defense,
10 or when the Panel determines a significant change
11 in the national defense environment has occurred
12 that would warrant new recommendations from the
13 Panel.

14 “(3) ASSESSMENT OF QUADRENNIAL DEFENSE
15 REVIEW.—The Panel shall conduct an assessment of
16 each quadrennial defense review required to be con-
17 ducted under section 118. Each assessment shall in-
18 clude—

19 “(A) a review of the Secretary of Defense’s
20 terms of reference, and any other materials pro-
21 viding the basis for, or substantial inputs to,
22 the work of the Department of Defense on such
23 quadrennial defense review;

24 “(B) an assessment of the assumptions,
25 strategy, findings, and risks in the report of the

1 Secretary of Defense on such quadrennial de-
2 fense review required under section 118(d),
3 with particular attention paid to the risks de-
4 scribed in such a report;

5 “(C) an independent assessment of a vari-
6 ety of possible force structures for the armed
7 forces, including the force structure identified
8 in the report required under section 118(d);
9 and

10 “(D) a review of the resource requirements
11 identified in such quadrennial defense review
12 pursuant to section 118(b)(3) and, to the extent
13 practicable, a general comparison of such re-
14 source requirements with the resource require-
15 ments to support the forces contemplated under
16 the force structures assessed under subpara-
17 graph (C).

18 “(d) ADMINISTRATIVE PROVISIONS.—

19 “(1) STAFF.—

20 “(A) IN GENERAL.—The Chairs of the
21 Panel may, without regard to the civil service
22 laws and regulations, appoint and terminate an
23 executive director and not more than 11 addi-
24 tional personnel, as may be necessary to enable
25 the Panel to perform the duties of the Panel.

1 “(B) COMPENSATION.—The Chairs of the
2 Panel may fix the compensation of the executive
3 director and other personnel without regard to
4 the provisions of chapter 51 and subchapter III
5 of chapter 53 of title 5, United States Code, re-
6 lating to the classification of positions and Gen-
7 eral Schedule pay rates, except that the rate of
8 pay for the executive director and other per-
9 sonnel may not exceed the rate payable for level
10 V of the Executive Schedule under section 5316
11 of such title.

12 “(2) DETAIL OF GOVERNMENT EMPLOYEES.—
13 Any Federal Government employee may be detailed
14 to the Panel without reimbursement, and such detail
15 shall be without interruption or loss of civil service
16 status or privilege.

17 “(3) PROCUREMENT OF TEMPORARY AND
18 INTERMITTENT SERVICES.—The Chairs of the Panel
19 may procure temporary and intermittent services
20 under section 3109(b) of title 5, United States Code,
21 at rates for individuals that do not exceed the daily
22 equivalent of the annual rate of basic pay for level
23 V of the Executive Schedule under section 5316 of
24 such title.

1 “(4) PROVISION OF INFORMATION.—The Panel
2 may request directly from the Department of De-
3 fense and any of its components such information as
4 the Panel considers necessary to carry out its duties
5 under this section. The head of the department or
6 agency concerned shall cooperate with the Panel to
7 ensure that information requested by the Panel
8 under this paragraph is promptly provided to the
9 maximum extent practical.

10 “(5) USE OF CERTAIN DEPARTMENT OF DE-
11 FENSE RESOURCES.—Upon the request of the
12 Chairs of the Panel, the Secretary of Defense shall
13 make available to the Panel the services of any fed-
14 erally-funded research and development center that
15 is covered by a sponsoring agreement of the Depart-
16 ment of Defense.

17 “(6) FUNDING.—Funds for activities of the
18 Panel shall be provided from amounts available to
19 the Department of Defense.

20 “(e) REPORTS.—

21 “(1) REVIEW OF NATIONAL DEFENSE STRA-
22 TEGIC ENVIRONMENT.—Not later than June 30 of a
23 year following a year evenly divisible by four, the
24 Panel shall submit to the congressional defense com-
25 mittees, the Secretary of Defense, and the National

1 Security Council a report containing the results of
2 the review conducted under subsection (c)(1) and
3 any recommendations or other matters that the
4 Panel considers appropriate.

5 “(2) ASSESSMENT OF QUADRENNIAL DEFENSE
6 REVIEW.—Not later than 90 days after the date on
7 which a report on a quadrennial defense review is
8 submitted to Congress under section 118(d), the
9 Panel shall submit to the congressional defense com-
10 mittees and the Secretary of Defense a report con-
11 taining the results of the assessment conducted
12 under subsection (c)(3) and any recommendations or
13 other matters that the Panel considers appro-
14 priate.”.

15 (2) CLERICAL AMENDMENT.—The table of sec-
16 tions at the beginning of chapter 2 of title 10,
17 United States Code, is amended by adding at the
18 end the following new item:

“119b. Bipartisan independent strategic review panel.”.

19 (b) UPDATES FROM SECRETARY OF DEFENSE ON
20 PROGRESS OF QUADRENNIAL DEFENSE REVIEW.—Sec-
21 tion 118(f) of title 10, United States Code, is amended
22 to read as follows:

23 “(f) UPDATES TO BIPARTISAN INDEPENDENT STRA-
24 TEGIC REVIEW PANEL.—The Secretary of Defense shall
25 ensure that periodically, but not less often than every 60

1 days, or at the request of the Chairs of the bipartisan
2 independent strategic review panel established under sec-
3 tion 119b(a), the Department of Defense briefs such panel
4 on the progress of the conduct of a quadrennial defense
5 review under subsection (a).”.

6 (c) BIPARTISAN INDEPENDENT STRATEGIC REVIEW
7 OF THE UNITED STATES ARMY.—

8 (1) REVIEW REQUIRED.—Not later than 30
9 days after the date on which all initial members of
10 the bipartisan independent strategic review panel are
11 appointed under section 119b(b) of title 10, United
12 States Code, as added by subsection (a)(1) of this
13 section, the Panel shall begin a review of the future
14 of the Army.

15 (2) ELEMENTS OF REVIEW.—The review re-
16 quired under paragraph (1) shall include a review
17 and assessment of—

18 (A) the validity and utility of the scenarios
19 and planning assumptions the Army used to de-
20 velop the current force structure of the Army;

21 (B) such force structure and an evaluation
22 of the adequacy of such force structure for
23 meeting the goals of the national military strat-
24 egy of the United States;

1 (C) the size and structure of elements of
2 the Army, in particular United States Army
3 Training and Doctrine Command, United
4 States Army Materiel Command, and corps and
5 higher headquarters elements;

6 (D) potential alternative force structures of
7 the Army; and

8 (E) the resource requirements of each of
9 the alternative force structures analyzed by the
10 Panel.

11 (3) REPORT.—

12 (A) PANEL REPORT.—Not later than one
13 year after the date on which the Panel begins
14 the review required under paragraph (1), the
15 Panel shall submit to the congressional defense
16 committees and the Secretary of Defense a re-
17 port containing the findings and recommenda-
18 tions of the Panel, including any recommenda-
19 tions concerning changes to the planned size
20 and composition of the Army.

21 (B) ADDITIONAL VIEWS.—The report re-
22 quired under subparagraph (A) shall include
23 any additional or dissenting views of a member
24 of the Panel that such member considers appro-
25 priate to include in such report.

1 (4) DEFINITIONS.—In this section:

2 (A) ARMY.—The term “Army” includes
3 the reserve components of the Army.

4 (B) BIPARTISAN INDEPENDENT STRATEGIC
5 REVIEW PANEL.—The terms “bipartisan inde-
6 pendent strategic review panel” and “Panel”
7 mean the bipartisan independent strategic re-
8 view panel established under section 119b(a) of
9 title 10, United States Code, as added by sub-
10 section (a)(1) of this section.

11 **SEC. 1082. NOTIFICATION OF DELAYED REPORTS.**

12 (a) IN GENERAL.—Chapter 3 of title 10, United
13 States Code, is amended by inserting after section 122a
14 the following new section:

15 **“§ 122b. Notification of delayed reports**

16 “If the Secretary of Defense determines that a report
17 required by law to be submitted by any official of the De-
18 partment of Defense to Congress will not be submitted by
19 the date required under law, the Secretary shall submit
20 to the congressional defense committees a notification, by
21 not later than such date, of the following:

22 “(1) An explanation of why such report will not
23 be submitted by such date.

24 “(2) The date on which such report will be sub-
25 mitted.

1 “(3) The status of such report as of the date
2 of the notification.

3 “(4) The office of the Department carrying out
4 such report and the individual acting as the head of
5 such office.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of such chapter is amended by inserting
8 after the item relating to section 122a the following new
9 item:

“122b. Notification of delayed reports.”.

10 **SEC. 1083. TECHNICAL AND CLERICAL AMENDMENTS.**

11 (a) AMENDMENTS TO NATIONAL DEFENSE AUTHOR-
12 IZATION ACT FOR FISCAL YEAR 2012.—Effective as of
13 December 31, 2011, and as if included therein as enacted,
14 the National Defense Authorization Act for Fiscal Year
15 2012 (Public Law 112–81) is amended as follows:

16 (1) Section 243(d) (125 Stat. 1344) is amended
17 by striking “paragraph” and inserting “subsection”.

18 (2) Section 541(b) (125 Stat. 1407) is amended
19 by striking “, as amended by subsection (a),”.

20 (3) Section 589(b) (125 Stat. 1438) is amended
21 by striking “section 717” and inserting “section
22 2564”.

23 (4) Section 602(a)(2) (125 Stat. 1447) is
24 amended by striking “repairs,” and inserting “re-
25 pairs”.

1 (5) Section 631(e)(28)(A) (125 Stat. 1464) is
2 amended by striking “In addition” in the matter
3 proposed to be inserted and inserting “Under regu-
4 lations”.

5 (6) Section 631(f)(2) (125 Stat. 1464) is
6 amended by striking “table of chapter” and insert-
7 ing “table of chapters”.

8 (7) Section 631(f)(3)(B) (125 Stat. 1465) is
9 amended by striking “chapter 9” and inserting
10 “chapter 10”.

11 (8) Section 631(f)(4) (125 Stat. 1465) is
12 amended by striking “subsection (c)” both places it
13 appears and inserting “subsection (d)”.

14 (9) Section 801 (125 Stat. 1482) is amended—

15 (A) in subsection (a)(1)(B), by striking
16 “paragraphs (6) and (7)” and inserting “para-
17 graphs (5) and (6)”;

18 (B) in subsection (a)(2), in the matter pro-
19 posed to be inserted as a new paragraph, by
20 striking the double closing quotation marks
21 after “capabilities” and inserting a single clos-
22 ing quotation mark; and

23 (C) in subsection (e)(1)(A), by striking
24 “**Point**” in the matter proposed to be struck
25 and inserting “**Point A**”.

1 (10) Section 832(b)(1) (125 Stat. 1504) is
2 amended by striking “Defenese” and inserting “De-
3 fense”.

4 (11) Section 855 (125 Stat. 1521) is amended
5 by striking “Section 139e(b)(12)” and inserting
6 “Section 139c(b)(12)”.

7 (12) Section 864(a)(2) (125 Stat. 1522) is
8 amended by striking “for Acquisition Workforce
9 Programs” in the matter proposed to be struck.

10 (13) Section 864(d)(2) (125 Stat. 1525) is
11 amended to read as follows:

12 “(2) in paragraph (6), by striking ‘ensure that
13 amounts collected’ and all that follows through the
14 end of the paragraph (as amended by section 526 of
15 division C of Public Law 112–74 (125 Stat. 914))
16 and inserting ‘ensure that amounts collected under
17 this section are not used for a purpose other than
18 the activities set forth in section 1201(a) of this
19 title.’”.

20 (14) Section 866(a) (125 Stat. 1526) is amend-
21 ed by striking “September 30” in the matter pro-
22 posed to be struck and inserting “December 31”.

23 (15) Section 867 (125 Stat. 1526) is amend-
24 ed—

1 (A) in paragraph (1), by striking “2010”
2 in the matter proposed to be struck and insert-
3 ing “2011”; and

4 (B) in paragraph (2), by striking “2013”
5 in the matter proposed to be struck and insert-
6 ing “2014”.

7 (16) Section 1045(c)(1) (125 Stat. 1577) is
8 amended by striking “described in subsection (b)”
9 and inserting “described in paragraph (2)”.

10 (17) Section 1067 (125 Stat. 1589) is amend-
11 ed—

12 (A) by striking subsection (a); and

13 (B) by striking the subsection designation
14 and the subsection heading of subsection (b).

15 (18) Section 2702 (125 Stat. 1681) is amend-
16 ed—

17 (A) in the section heading, by striking
18 “**AUTHORIZED**” and inserting “**AUTHORIZA-**
19 **TION OF APPROPRIATIONS FOR**”; and

20 (B) by striking “Using amounts” and all
21 that follows through “may carry out” and in-
22 serting “Funds are hereby authorized to be ap-
23 propriated for fiscal years beginning after Sep-
24 tember 30, 2011, for”.

1 (19) Section 2815(c) (125 Stat. 1689) is
2 amended by inserting “subchapter III of” before
3 “chapter 169”.

4 (b) AMENDMENTS TO IKE SKELTON NATIONAL DE-
5 FENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011.—
6 Effective as of January 7, 2011, and as if included therein
7 as enacted, the Ike Skelton National Defense Authoriza-
8 tion Act for Fiscal Year 2011 (Public Law 111–383) is
9 amended as follows:

10 (1) Section 533(b) (124 Stat. 4216) is amended
11 by inserting “Section” before “1559(a)”.

12 (2) Section 863(d)(9) (124 Stat. 4293; 10
13 U.S.C. 2330 note) is amended by striking “this
14 title” and inserting “title 10, United States Code”.

15 (3) Section 896(a) (124 Stat. 4314) is amended
16 by striking “Chapter 7” and inserting “Chapter 4”.

17 (c) AMENDMENTS TO REFLECT REDESIGNATION OF
18 CERTAIN POSITIONS IN OFFICE OF SECRETARY OF DE-
19 FENSE.—

20 (1) ASSISTANT SECRETARY OF DEFENSE FOR
21 NUCLEAR, CHEMICAL, AND BIOLOGICAL DEFENSE
22 PROGRAMS.—Section 1605(a)(5) of the National De-
23 fense Authorization Act for Fiscal Year 1994 (Pub-
24 lic Law 103–160; 22 U.S.C. 2751 note) is amended
25 by striking “The Assistant to the Secretary of De-

1 fense for Nuclear and Chemical and Biological De-
2 fense Programs” each place it appears and inserting
3 “The Assistant Secretary of Defense for Nuclear,
4 Chemical, and Biological Defense Programs”.

5 (2) ASSISTANT SECRETARY OF DEFENSE FOR
6 RESEARCH AND ENGINEERING.—

7 (A) The following provisions are amended
8 by striking “Director of Defense Research and
9 Engineering” and inserting “Assistant Sec-
10 retary of Defense for Research and Engineer-
11 ing”:

12 (i) Sections 2362(a)(1) and
13 2521(e)(5) of title 10, United States Code.

14 (ii) Section 241(c) of the National De-
15 fense Authorization Act for Fiscal Year
16 2006 (Public Law 109–163; 10 U.S.C.
17 2521 note).

18 (iii) Section 212(b) of the Ronald W.
19 Reagan National Defense Authorization
20 Act for Fiscal Year 2005 (Public Law
21 108–375; 10 U.S.C. 2358 note).

22 (iv) Section 246(d)(1) of the Bob
23 Stump National Defense Authorization Act
24 for Fiscal Year 2003 (Public Law 107–
25 314; 10 U.S.C. 2358 note).

1 (v) Section 257(a) of the National De-
2 fense Authorization Act for Fiscal Year
3 1995 (Public Law 103–337; 10 U.S.C.
4 2358 note).

5 (vi) Section 1101(b)(1)(D) of the
6 Strom Thurmond National Defense Au-
7 thorization Act for Fiscal Year 1999 (Pub-
8 lic Law 105–261; 5 U.S.C. 3104 note).

9 (vii) Section 802(g)(1)(B)(ii) of the
10 Higher Education Opportunity Act (20
11 U.S.C. 9631(g)(1)(B)(ii)).

12 (B) Section 2365 of title 10, United States
13 Code, is amended—

14 (i) in subsection (a), by inserting “of
15 Defense for Research and Engineering”
16 after “Assistant Secretary”; and

17 (ii) in subsection (d)(3)(A), by strik-
18 ing “Director” and inserting “Assistant
19 Secretary”.

20 (C) Section 256 of the National Defense
21 Authorization Act for Fiscal Year 2006 (Public
22 Law 109–163; 10 U.S.C. 1071 note) is amend-
23 ed in subsections (b)(4) and (d) by striking
24 “Director, Defense” and inserting “Assistant
25 Secretary of Defense for”.

1 (D) Section 1504 of the Duncan Hunter
2 National Defense Authorization Act for Fiscal
3 Year 2009 (Public Law 110–417; 10 U.S.C.
4 2358 note) is amended—

5 (i) in subsection (a), by striking “Di-
6 rector of Defense” and inserting “Assist-
7 ant Secretary of Defense for”; and

8 (ii) in subsection (b)(9), by striking
9 “the Director of the” and all that follows
10 through “Engineering” and inserting “the
11 Director and the Assistant Secretary”.

12 (E) Section 802 of the National Defense
13 Authorization Act for Fiscal Year 1994 (Public
14 Law 103–160; 10 U.S.C. 2358 note) is amend-
15 ed—

16 (i) in subsection (a), by striking “Di-
17 rector of Defense” and inserting “Assist-
18 ant Secretary of Defense for”;

19 (ii) in subsections (b), (d), and (e), by
20 striking “Director” and inserting “Assist-
21 ant Secretary”; and

22 (iii) in subsection (f), by striking “Not
23 later than” and all that follows through
24 “the Director” and inserting “The Assist-
25 ant Secretary”.

1 (F) Section 214 of the National Defense
2 Authorization Act for Fiscal Year 2008 (Public
3 Law 110–181; 10 U.S.C. 2521 note) is amend-
4 ed by striking “unless the” and all that follows
5 through “ensures” and inserting “unless the
6 Assistant Secretary of Defense for Research
7 and Engineering ensures”.

8 (d) CROSS-REFERENCE AMENDMENTS RELATING TO
9 ENACTMENT OF TITLE 41.—Title 10, United States Code,
10 is amended as follows:

11 (1) Section 2302 is amended—

12 (A) in paragraph (7), by striking “section
13 4 of such Act” and inserting “such section”;
14 and

15 (B) in paragraph (9)(A)—

16 (i) by striking “section 26 of the Of-
17 fice of Federal Procurement Policy Act (41
18 U.S.C. 422)” and inserting “chapter 15 of
19 title 41”; and

20 (ii) by striking “such section” and in-
21 serting “such chapter”.

22 (2) Section 2306a(b)(3)(B) is amended by
23 striking “section 4(12)(C)(i) of the Office of Federal
24 Procurement Policy Act (41 U.S.C. 403(12)(C)(i))”
25 and inserting “section 103(3)(A) of title 41”.

1 (3) Section 2321(f)(2) is amended by striking
2 “section 35(c) of the Office of Federal Procurement
3 Policy Act (41 U.S.C. 431(c))” and inserting “sec-
4 tion 104 of title 41”.

5 (4) Section 2359a(h) is amended by striking
6 “section 16(c) of the Office of Federal Procurement
7 Policy Act (41 U.S.C. 414(c))” and inserting “sec-
8 tion 1702(c) of title 41”.

9 (5) Section 2359b(k)(4) is amended—

10 (A) in subparagraph (A), by striking “sec-
11 tion 4 of the Office of Federal Procurement
12 Policy Act (41 U.S.C. 403)” and inserting “sec-
13 tion 110 of title 41”; and

14 (B) in subparagraph (B), by adding a pe-
15 riod at the end.

16 (6) Section 2379 is amended—

17 (A) in subsections (a)(1)(A), (b)(2)(A),
18 and (c)(1)(B)(i), by striking “section 4(12) of
19 the Office of Federal Procurement Policy Act
20 (41 U.S.C. 403(12))” and inserting “section
21 103 of title 41”; and

22 (B) in subsections (b) and (c)(1), by strik-
23 ing “section 35(c) of the Office of Federal Pro-
24 curement Policy Act (41 U.S.C. 431(c))” and
25 inserting “section 104 of title 41”.

1 (7) Section 2382(c) is amended—

2 (A) in paragraph (2)(B), by striking “sec-
3 tions 303H through 303K of the Federal Prop-
4 erty and Administrative Services Act of 1949
5 (41 U.S.C. 253h through 253k)” and inserting
6 “sections 4101, 4103, 4105, and 4106 of title
7 41”; and

8 (B) in paragraph (3)(A), by striking “sec-
9 tion 16(c) of the Office of Federal Procurement
10 Policy Act (41 U.S.C. 414(c))” and inserting
11 “section 1702(c) of title 41”.

12 (8) Section 2410m(b)(1) is amended—

13 (A) in subparagraph (A)(i), by striking
14 “section 7 of such Act” and inserting “section
15 7104(a) of such title”; and

16 (B) in subparagraph (B)(ii), by striking
17 “section 7 of the Contract Disputes Act of
18 1978” and inserting “section 7104(a) of title
19 41”.

20 (9) Section 2533b is amended—

21 (A) in subsection (h)—

22 (i) in paragraph (1), by striking “sec-
23 tions 34 and 35 of the Office of Federal
24 Procurement Policy Act (41 U.S.C. 430

1 and 431)” and inserting “sections 1906
2 and 1907 of title 41”; and

3 (ii) in paragraph (2), by striking “sec-
4 tion 35(e) of the Office of Federal Pro-
5 curement Policy Act (41 U.S.C. 431(e))”
6 and inserting “section 104 of title 41”;
7 and

8 (B) in subsection (m)—

9 (i) in paragraph (2), by striking “sec-
10 tion 4 of the Office of Federal Procure-
11 ment Policy Act (41 U.S.C. 403)” and in-
12 serting “section 105 of title 41”;

13 (ii) in paragraph (3), by striking “sec-
14 tion 4 of the Office of Federal Procure-
15 ment Policy Act (41 U.S.C. 403)” and in-
16 serting “section 131 of title 41”; and

17 (iii) in paragraph (5), by striking
18 “section 35(e) of the Office of Federal
19 Procurement Policy Act (41 U.S.C.
20 431(e))” and inserting “section 104 of title
21 41”.

22 (e) OTHER CROSS-REFERENCE AMENDMENTS IN
23 TITLE 10.—Title 10, United States Code, is amended as
24 follows:

25 (1) Section 1722b(c) is amended—

1 (A) in paragraph (3), by striking “sub-
2 sections (b)(2)(A) and (b)(2)(B)” and inserting
3 “subsections (b)(1)(A) and (b)(1)(B)”;

4 (B) in paragraph (4), by striking
5 “1734(d), or 1736(c)” and inserting “or
6 1734(d)”.

7 (2) Section 2382(b)(1) is amended by inserting
8 “of the Small Business Act (15 U.S.C. 657q(c)(4))”
9 after “section 44(c)(4)”;

10 (3) Section 2548(e)(2) is amended by striking
11 “section 103(f) of the Weapon Systems Acquisition
12 Reform Act of 2009 (10 U.S.C. 2430 note),” and in-
13 serting “section 2438(f) of this title”.

14 (4) Section 2925 is amended—

15 (A) in subsection (a)(1), by striking “sec-
16 tion 533” and inserting “section 553”; and

17 (B) in subsection (b)(1), by striking “sec-
18 tion 139b” and inserting “section 138c”.

19 (f) DATE OF ENACTMENT REFERENCES.—Title 10,
20 United States Code, is amended as follows:

21 (1) Section 1564(a)(2)(B) is amended by strik-
22 ing “the date of the enactment of the Ike Skelton
23 National Defense Authorization Act for Fiscal Year
24 2011” in clauses (ii) and (iii) and inserting “Janu-
25 ary 7, 2011”.

1 (2) Section 2359b(k)(5) is amended by striking
2 “the date that is five years after the date of the en-
3 actment of this Act” and inserting “January 7,
4 2016”.

5 (3) Section 2649(c) is amended by striking
6 “During the 5-year period beginning on the date of
7 the enactment of the Ike Skelton National Defense
8 Authorization Act for Fiscal Year 2011” and insert-
9 ing “Until January 6, 2016”.

10 (4) Section 2790(g)(1) is amended by striking
11 “on or after the date of the enactment of the Ike
12 Skelton National Defense Authorization Act for Fis-
13 cal Year 2011” and inserting “after January 6,
14 2011,”.

15 (5) Sections 3911(b)(2), 6323(a)(2)(B), and
16 8911(b)(2) are amended by striking “the date of the
17 enactment of the Ike Skelton National Defense Au-
18 thorization Act for Fiscal Year 2011” and inserting
19 “January 7, 2011,”.

20 (6) Section 10217(d)(3) is amended by striking
21 “after the end of the 2-year period beginning on the
22 date of the enactment of this subsection” and insert-
23 ing “after January 6, 2013”.

1 (g) OTHER MISCELLANEOUS AMENDMENTS TO
2 TITLE 10.—Title 10, United States Code, is amended as
3 follows:

4 (1) Section 113(e)(2) is amended by striking
5 “on” after “Board on”.

6 (2) The table of sections at the beginning of
7 chapter 4 is amended by striking the item relating
8 to section 133b.

9 (3) Paragraph (3) of section 138(c), as added
10 by section 314(a) of the National Defense Author-
11 ization Act for Fiscal Year 2012 (Public Law 112–
12 81; 125 Stat. 1357), is transferred to appear at the
13 end of section 138c(c).

14 (4) Section 139a(d)(4) is amended by adding a
15 period at the end.

16 (5) Section 139b(a)(6) is amended by striking
17 “propriety” and inserting “proprietary”.

18 (6) The item relating to section 225 at the end
19 of the table of sections at the beginning of chapter
20 9 is transferred to appear after the item relating to
21 section 224.

22 (7) Section 843(b)(2)(B)(v) (article 43 of the
23 Uniform Code of Military Justice) is amended by
24 striking “Kidnaping,,” and inserting “Kidnaping,”

1 (8) Section 920(g)(7) (article 120 of the Uni-
2 form Code of Military Justice) is amended by strik-
3 ing the second period at the end.

4 (9) Section 1086(b)(1) is amended by striking
5 “clause (2)” and inserting “paragraph (2)”.

6 (10) Section 1142(b)(10) is amended by strik-
7 ing “training,,” and inserting “training,”.

8 (11) Section 1401(a) is amended by striking
9 “columns 1, 2, 3, and 4,” in the matter preceding
10 the table and inserting “columns 1, 2, and 3,”.

11 (12) Section 1781(a) is amended—

12 (A) in the first sentence, by striking “Di-
13 rector” and inserting “Office”;

14 (B) in the first sentence, by striking “here-
15 inafter”; and

16 (C) in the second sentence, by striking “of-
17 fice” both places it appears and inserting “Of-
18 fice”.

19 (13) Section 1790 is amended—

20 (A) by striking the section heading and in-
21 serting the following:

22 **“§ 1790. Military personnel citizenship processing”;**

23 (B) by striking “AUTHORIZATION OF PAY-
24 MENTS.—”;

1 (C) by striking “title 10, United States
2 Code” and inserting “this title”;

3 (D) by striking “Secs.”; and

4 (E) by striking “sections 286(m) and (n)
5 of such Act (8 U.S.C. Sec. 1356(m))” and in-
6 serting “subsections m and (n) of section 286
7 of such Act (8 U.S.C. 1356).”.

8 (14) Section 2006(b)(2) is amended by redesignig-
9 nating the second subparagraph (E) (as added by
10 section 109(b)(2)(B) of Public Law 111–377 (124
11 Stat. 4120), effective August 1, 2011) as subpara-
12 graph (F).

13 (15) Section 2350m(e) is amended by striking
14 “Not later than October 31, 2009, and annually
15 thereafter” and inserting “Not later than October
16 31 each year”.

17 (16) Section 2401 is amended by striking “the
18 Committee on Armed Services and the Committee on
19 Appropriations of the Senate and the Committee on
20 Armed Services and the Committee on Appropria-
21 tions of the House of Representatives” in sub-
22 sections (b)(1)(B) and (h)(1) and inserting “the con-
23 gressional defense committees”.

24 (17) Section 2438(a)(3) is amended by insert-
25 ing “the senior” before “official’s”.

1 (18) Section 2548 is amended—

2 (A) in subsection (a)—

3 (i) by striking “Not later than” and
4 all that follows through “the Secretary”
5 and inserting “The Secretary”; and

6 (ii) by adding a period at the end of
7 paragraph (3);

8 (B) in subsection (d), by striking “Begin-
9 ning with fiscal year 2012, the” and inserting
10 “The”; and

11 (C) in subsection (e)(1), by striking “,
12 United States Code,”.

13 (19) Section 2561(f)(2) is amended by striking
14 “Committee on International Relations” and insert-
15 ing “Committee on Foreign Affairs”.

16 (20) Section 2687a is amended—

17 (A) in subsection (a), by striking “Foreign
18 relations” and inserting “Foreign Relations”;
19 and

20 (B) in subsection (b)(1)—

21 (i) by striking the comma after “in-
22 cluding”; and

23 (ii) by striking “The Treaty” and in-
24 serting “the Treaty”.

25 (21) Section 4342 is amended—

- 1 (A) in subsection (b)—
- 2 (i) in paragraph (1), by striking
- 3 “clause” both places it appears and insert-
- 4 ing “paragraph”; and
- 5 (ii) in paragraph (5), by striking
- 6 “clauses” and inserting “paragraphs”;
- 7 (B) in subsection (d), by striking “clauses”
- 8 and inserting “paragraphs”; and
- 9 (C) in subsection (f), by striking “clauses”
- 10 and inserting “paragraphs”.
- 11 (22) Section 4343 is amended by striking
- 12 “clauses” and inserting “paragraphs”.
- 13 (23) Section 6954 is amended—
- 14 (A) in subsection (b)—
- 15 (i) in paragraph (1), by striking
- 16 “clause” both places it appears and insert-
- 17 ing “paragraph”; and
- 18 (ii) in paragraph (5), by striking
- 19 “clauses” and inserting “paragraphs”; and
- 20 (B) in subsection (d), by striking “clauses”
- 21 and inserting “paragraphs”.
- 22 (24) Section 6956(b) is amended by striking
- 23 “clauses” and inserting “paragraphs”.
- 24 (25) Section 9342 is amended—
- 25 (A) in subsection (b)—

1 (i) in paragraph (1), by striking
2 “clause” both places it appears and insert-
3 ing “paragraph”; and

4 (ii) in paragraph (5), by striking
5 “clauses” and inserting “paragraphs”;

6 (B) in subsection (d), by striking “clauses”
7 and inserting “paragraphs”; and

8 (C) in subsection (f), by striking “clauses”
9 and inserting “paragraphs”.

10 (26) Section 9343 is amended by striking
11 “clauses” and inserting “paragraphs”.

12 (27) Section 10217(c)(3) is amended by strik-
13 ing “consider” and inserting “considered”.

14 (h) REPEAL OF EXPIRED PROVISIONS.—Title 10,
15 United States Code, is amended as follows:

16 (1) Section 1108 is amended—

17 (A) by striking subsections (j) and (k); and

18 (B) by redesignating subsection (l) as sub-
19 section (j).

20 (2) Section 2325 is amended by striking sub-
21 section (b) and redesignating subsection (c) as sub-
22 section (b).

23 (3) Section 2349a is repealed, and the table of
24 sections at the beginning of subchapter I of chapter

1 138 is amended by striking the item relating to that
2 section.

3 (4) Section 2374b is repealed, and the table of
4 sections at the beginning of chapter 139 is amended
5 by striking the item relating to that section.

6 (i) AMENDMENTS TO TITLE 37.—Title 37, United
7 States Code, is amended as follows:

8 (1) Section 310(e)(1) is amended by striking
9 “section for for” and inserting “section for”.

10 (2) Section 431, as transferred to chapter 9 of
11 such title by section 631(d)(2) of the National De-
12 fense Authorization Act for Fiscal Year 2012 (Pub-
13 lic Law 112–81; 125 Stat. 1460), is redesignated as
14 section 491.

15 (j) AMENDMENTS TO TITLE 41.—Title 41, United
16 States Code, is amended as follows:

17 (1) Section 1122(a)(5) is amended by striking
18 the period at the end and inserting a semicolon.

19 (2) Section 1703(i)(6) is amended by striking
20 “Procurement” and inserting “Procurement”.

21 (k) AMENDMENT TO TITLE 46.—Subsection (a) of
22 section 51301 of title 46, United States Code, is amended
23 in the heading by striking “IN GENERAL” and inserting
24 “IN GENERAL”.

1 (l) DUPLICATIVE PROVISION IN ARMED FORCES RE-
2 TIREMENT HOME ACT OF 1991.—Section 1511(d) of the
3 Armed Forces Retirement Home Act of 1991 (24 U.S.C.
4 411(d)) is amended by striking the first paragraph (3),
5 leaving the second paragraph (3) added by section 561
6 of Public Law 112–81 (125 Stat. 1420).

7 (m) CROSS REFERENCES AND DATE OF ENACTMENT
8 REFERENCES IN REINSTATEMENT OF TEMPORARY EARLY
9 RETIREMENT AUTHORITY.—Section 4403 of the National
10 Defense Authorization Act for Fiscal Year 1993 (Public
11 Law 102–484; 10 U.S.C. 1293 note), as amended by sec-
12 tion 504(b) of the National Defense Authorization Act for
13 Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1391),
14 is amended—

15 (1) in subsection (c)(2)—

16 (A) in subparagraph (A), by striking
17 “1995 (” and inserting “1995 (Public Law
18 103–337;”; and

19 (B) in subparagraph (B), by striking
20 “1995” and inserting “1996”;

21 (2) in subsection (h), by striking “the date of
22 the enactment of the National Defense Authoriza-
23 tion Act for Fiscal Year 2012” and inserting “De-
24 cember 31, 2011,”; and

1 (3) in subsection (i)(2), by striking “the date of
2 the enactment of the National Defense Authoriza-
3 tion Act for Fiscal Year 2012” and inserting “De-
4 cember 31, 2011,”.

5 (n) COORDINATION WITH OTHER AMENDMENTS
6 MADE BY THIS ACT.—For purposes of applying amend-
7 ments made by provisions of this Act other than this sec-
8 tion, the amendments made by this section shall be treated
9 as having been enacted immediately before any amend-
10 ment made by other provisions of this Act.

11 **SEC. 1084. PROHIBITION ON USE OF INFORMATION**
12 **AGAINST A UNITED STATES CITIZEN GATH-**
13 **ERED BY UNMANNED AERIAL VEHICLE WITH-**
14 **OUT A WARRANT.**

15 Notwithstanding any other provision of law, informa-
16 tion acquired by an unmanned aerial vehicle operated by
17 the Department of Defense may not be admitted in a Fed-
18 eral court, State court, or court of a political subdivision
19 of a State as evidence against a United States citizen un-
20 less such information was obtained by such unmanned aer-
21 ial vehicle pursuant to a court order.

22 **SEC. 1085. THE HOUSE OF REPRESENTATIVES HONORS.**

23 (a) FINDINGS.—The House of Representatives finds
24 the following:

1 (1) The spread of warfare across Europe and
2 Asia led to the establishment on May 20, 1941, of
3 the United States Office of Civilian Defense by Ex-
4 ecutive Order No. 8757 of President Franklin D.
5 Roosevelt, to “assure effective coordination of Fed-
6 eral relations with State and local governments en-
7 gaged in defense activities, to provide for necessary
8 cooperation with States and local governments in re-
9 spect to measures for adequate protection of the ci-
10 vilian population in emergency periods, to facilitate
11 constructive civilian participation in the defense pro-
12 gram, and to sustain national morale”.

13 (2) The December 7, 1941, attack by the Em-
14 pire of Japan on Pearl Harbor, Hawaii, precipitated
15 the entry of the United States into the worldwide
16 conflict and signaled a new era of warfare that de-
17 manded new efforts to protect the people of the
18 United States from airborne assault by an overseas
19 enemy.

20 (3) In response to this new threat, the United
21 States Office of Civilian Defense mobilized millions
22 of volunteers to participate in efforts to enhance the
23 preparedness of the United States in case of attack,
24 including fire protection, communication and logis-

1 tics, construction of bomb shelters, and air raid
2 blackout drills.

3 (4) Thousands of Americans unable to serve in
4 the United States Armed Forces volunteered their
5 service as Air Raid Wardens in communities across
6 the United States during World War II, contributing
7 to America's defense against potential enemy assault
8 and the ultimate victory of the Allied nation.

9 (5) A training manual distributed to Air Raid
10 Wardens during World War II noted that "In the
11 system of civilian defense, the Air Raid Warden oc-
12 cupies the key position. He is the field officer under
13 whose supervision the efforts of the civilian popu-
14 lation are directed in the tremendous task of effec-
15 tive defense. Through the Air Raid Wardens, civilian
16 activity is coordinated with that of the police and
17 fire departments and other vital services."

18 (6) Training manuals distributed to Air Raid
19 Wardens included "I am an Air Raid Warden", by
20 Frank W. Atherton, Chief Air Raid Warden, 1st
21 District, United States Citizens' Defense Corps of
22 Michigan, which read, in part that "I am an Air
23 Raid Warden. My country, my state and my commu-
24 nity have given me many pleasant and fruitful years
25 and now in time of trouble I feel that it is my duty

1 to do my part in the work assigned to me in helping
2 to reduce to a minimum any harm that may come
3 from without or within.”.

4 (7) Tony Pastor and His Orchestra released a
5 song in 1942, titled “Obey Your Air Raid Warden”,
6 which was widely distributed as a public service an-
7 nouncement and contained the following lyrics:
8 “One, be calm. Two, get under shelter. Three, don’t
9 run. Obey your air-raid warden. Four, stay home.
10 Five, keep off the highway. Six, don’t phone. Obey
11 your air-raid warden. There are rules that you
12 should know, What to do and where to go, When
13 you hear the sirens blow, Stop, look, and listen.
14 Seven, don’t smoke. Eight, help all the kiddies. Most
15 of all, obey your air-raid warden. Stop, look, and lis-
16 ten. Dim the lights, Wait for information, Most of
17 all, obey your air-raid warden. Stop the panic, Don’t
18 get in a huff, Our aim today is to call their bluff.
19 Follow these rules and that is enough. Obey your
20 air-raid warden.”.

21 (b) THE HOUSE OF REPRESENTATIVES HONORS.—
22 The House of Representatives encourages surviving Air
23 Raid Wardens and other volunteers of the United States
24 Office of Civilian Defense during the World War II to

1 record and permanently preserve stories of their service
2 for future generations.

3 **SEC. 1086. COST OF WARS.**

4 The Secretary of Defense, in consultation with the
5 Commissioner of the Internal Revenue Service and the Di-
6 rector of the Bureau of Economic Analysis, shall post on
7 the public Web site of the Department of Defense the
8 costs, including the relevant legacy costs, to each Amer-
9 ican taxpayer of each of the wars in Afghanistan and Iraq.

10 **SEC. 1087. INCREASE IN AUTHORIZED NUMBER OF WEAP-**
11 **ONS OF MASS DESTRUCTION CIVIL SUPPORT**
12 **TEAMS.**

13 (a) IN GENERAL.—Section 1403(a) of the Bob
14 Stump National Defense Authorization Act for Fiscal
15 Year 2003 (Public Law 107–314; 116 Stat. 2676; 10
16 U.S.C. 12310 note) is amended—

17 (1) in paragraph (1), by striking “23” and in-
18 serting “a minimum of 25”; and

19 (2) by striking “55 teams” each place it ap-
20 pears and inserting “57 teams”.

21 (b) FUNDING.—

22 (1) INCREASE.—Notwithstanding the amounts
23 set forth in the funding tables in division D, the
24 amount authorized to be appropriated in section 301
25 for operation and maintenance, Army, as specified in

1 the corresponding funding table in section 4301, for
2 Line 070, Force Readiness Operations Support is
3 hereby increased by \$5,000,000.

4 (2) OFFSET.—Notwithstanding the amounts set
5 forth in the funding tables in division D, the amount
6 authorized to be appropriated in section 201 for re-
7 search, development, test, and evaluation, Defense-
8 wide, as specified in the corresponding funding table
9 in division D, is hereby reduced by \$5,000,000, to
10 be derived from Line 036, Program Element
11 0603384BP, Chemical and Biological Defense Pro-
12 gram.

13 **SEC. 1088. TRIAL OF FOREIGN TERRORISTS.**

14 After the date of the enactment of this Act, any for-
15 eign national, who—

16 (1) engages or has engaged in conduct consti-
17 tuting an offense relating to a terrorist attack
18 against persons or property in the United States or
19 against any United States Government property or
20 personnel outside the United States, and

21 (2) is subject to trial for that offense by a mili-
22 tary commission under chapter 47A of title 10,
23 United States Code,

24 shall be tried for that offense only by a military commis-
25 sion under that chapter.

1 **SEC. 1089. RIALTO-COLTON BASIN, CALIFORNIA, WATER RE-**
2 **SOURCES STUDY.**

3 (a) IN GENERAL.—Not later than 2 years after funds
4 are made available to carry out this Act, the Secretary
5 of the Interior, acting through the Director of the United
6 States Geological Survey, shall complete a study of water
7 resources in the Rialto-Colton Basin in the State of Cali-
8 fornia (in this section referred to as the “Basin”), includ-
9 ing—

10 (1) a survey of ground water resources in the
11 Basin, including an analysis of—

12 (A) the delineation, either horizontally or
13 vertically, of the aquifers in the Basin, includ-
14 ing the quantity of water in the aquifers;

15 (B) the availability of ground water re-
16 sources for human use;

17 (C) the salinity of ground water resources;

18 (D) the identification of a recent surge in
19 perchlorate concentrations in ground water,
20 whether significant sources are being flushed
21 through the vadose zone, or if perchlorate is
22 being remobilized;

23 (E) the identification of impacts and
24 extents of all source areas that contribute to
25 the regional plume to be fully characterized;

1 (F) the potential of the ground water re-
2 sources to recharge;

3 (G) the interaction between ground water
4 and surface water;

5 (H) the susceptibility of the aquifers to
6 contamination, including identifying the extent
7 of commingling of plume emanating within sur-
8 rounding areas in San Bernardino County,
9 California; and

10 (I) any other relevant criteria; and

11 (2) a characterization of surface and bedrock
12 geology of the Basin, including the effect of the geol-
13 ogy on ground water yield and quality.

14 (b) COORDINATION.—The Secretary shall carry out
15 the study in coordination with the State of California and
16 any other entities that the Secretary determines to be ap-
17 propriate, including other Federal agencies and institu-
18 tions of higher education.

19 (c) REPORT.—Upon completion of the study, the Sec-
20 retary shall submit to the Committee on Energy and Nat-
21 ural Resources of the Senate and the Committee on Nat-
22 ural Resources of the House of Representatives a report
23 that describes the results of the study.

1 **SEC. 1090. REPORT ON DESIGNATION OF BOKO HARAM AS**
2 **A FOREIGN TERRORIST ORGANIZATION.**

3 (a) REPORT.—

4 (1) IN GENERAL.—Not later than 30 days after
5 the date of the enactment of this section, the Sec-
6 retary of State shall submit to the appropriate con-
7 gressional committees—

8 (A) a detailed report on whether the Nige-
9 rian organization named “People Committed to
10 the Propagation of the Prophet’s Teachings and
11 Jihad” (commonly known as “Boko Haram”),
12 meets the criteria for designation as a foreign
13 terrorist organization under section 219 of the
14 Immigration and Nationality Act (8 U.S.C.
15 1189); and

16 (B) if the Secretary of State determines
17 that Boko Haram does not meet such criteria,
18 a detailed justification as to which criteria have
19 not been met.

20 (2) FORM.—The report required by paragraph
21 (1) shall be submitted in unclassified form, but may
22 include a classified annex if appropriate.

23 (3) APPROPRIATE CONGRESSIONAL COMMIT-
24 TEES DEFINED.—In this subsection, the term “ap-
25 propriate congressional committees” means—

1 (A) the Committee on Homeland Security,
2 the Committee on Armed Services, the Com-
3 mittee on Foreign Affairs, and the Permanent
4 Select Committee on Intelligence of the House
5 of Representatives; and

6 (B) the Committee on Homeland Security
7 and Governmental Affairs, the Committee on
8 Armed Services, the Committee on Foreign Re-
9 lations, and the Select Committee on Intel-
10 ligence of the Senate.

11 (b) **RULE OF CONSTRUCTION.**—Nothing in this sec-
12 tion may be construed to infringe upon the sovereignty
13 of Nigeria to combat militant or terrorist groups operating
14 inside the boundaries of Nigeria.

15 **SEC. 1091. SENSE OF CONGRESS ON RECOGNIZING AIR MO-**
16 **BILITY COMMAND ON ITS 20TH ANNIVER-**
17 **SARY.**

18 (a) **FINDINGS.**—Congress finds the following:

19 (1) On June 1, 1992, Air Mobility Command
20 was established as the Air Force’s functional com-
21 mand for cargo and passenger delivery, air refueling,
22 and aeromedical evacuation.

23 (2) As the lead Major Command for all Mobility
24 Air Forces, Air Mobility Command ensures that the

1 Air Force's core functions of global vigilance, power,
2 and reach are fulfilled.

3 (3) The ability of the United States to rapidly
4 respond to humanitarian disasters and the outbreak
5 of hostilities anywhere in the world truly defines the
6 United States as a global power.

7 (4) Mobility Air Forces Airmen are unified by
8 one single purpose: to answer the call of others so
9 they may prevail.

10 (5) The United States' hand of friendship to
11 the world many times takes the form of Mobility Air
12 Forces aircraft delivering humanitarian relief. Since
13 its inception, Air Mobility Command has provided
14 forces for 43 humanitarian relief efforts at home
15 and abroad, from New Orleans, Louisiana, to Bam,
16 Iran.

17 (6) A Mobility Air Forces aircraft departs every
18 2 minutes, 365 days a year. Since September 11,
19 2001, Mobility Air Forces aircraft have flown 18.9
20 million passengers, 6.8 million tons of cargo, and
21 offloaded 2.2 billion pounds of fuel. Many of these
22 flights have assisted combat aircraft protection
23 United States forces from overhead.

24 (7) The United States keeps its solemn promise
25 to its men and women in uniform with Air Mobility

1 Command, accomplishing 186,940 patient move-
2 ments since the beginning of Operation Iraqi Free-
3 dom.

4 (8) Mobility Air Forces Airmen reflect the best
5 values of the Nation: delivering hope, saving lives,
6 and fueling the fight.

7 (b) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that, on the occasion of the 20th anniversary of the
9 establishment of Air Mobility Command, the people of the
10 United States should—

11 (1) recognize the critical role that Mobility Air
12 Forces play in the Nation’s defense; and

13 (2) express appreciation for the leadership of
14 Air Mobility Command and the more than 134,000
15 active-duty, Air National Guard, Air Force Reserve,
16 and Department of Defense civilians that make up
17 the command.

18 **SEC. 1092. CONSOLIDATION OF DATA CENTERS.**

19 Section 2867 of the National Defense Authorization
20 Act for Fiscal Year 2012 (10 U.S.C. 2223a note) is
21 amended—

22 (1) in subsection (b)(2)—

23 (A) in subparagraph (A), by inserting after
24 “April 1, 2012,” the following: “and each year
25 thereafter,”; and

1 (B) by adding at the end the following new
2 paragraph:

3 “(C) ADDITIONAL ELEMENT.—The per-
4 formance plan required under this paragraph,
5 with respect to plans submitted after the date
6 of the enactment of the National Defense Au-
7 thorization Act for Fiscal Year 2013, shall be
8 consistent with the July 2011 Government Ac-
9 countability Office report to Congress, entitled
10 ‘Data Center Consolidation Agencies Need to
11 Complete Inventories and Plans to Achieve Ex-
12 pected Savings’ (GAO–11–565), as updated by
13 quarterly consolidation progress reports sub-
14 mitted by the Department of Defense to the Of-
15 fice of Management and Budget”; and

16 (2) in subsection (d)(1), by adding at the end
17 the following: “Beginning after the date of the en-
18 actment of the National Defense Authorization Act
19 for Fiscal Year 2013, such report shall include
20 progress updates on consolidation goals achieved
21 during the preceding fiscal year consistent with the
22 framework outlined by the July 2011 Government
23 Accountability Office report to Congress, entitled
24 ‘Data Center Consolidation Agencies Need to Com-
25 plete Inventories and Plans to Achieve Expected

1 Savings' (GAO-11-565), as updated by quarterly
2 consolidation progress reports submitted by the De-
3 partment of Defense to the Office of Management
4 and Budget.”.

5 **SEC. 1093. SENSE OF CONGRESS REGARDING PRESERVA-**
6 **TION OF SECOND AMENDMENT RIGHTS OF**
7 **ACTIVE DUTY MILITARY PERSONNEL STA-**
8 **TIONED OR RESIDING IN THE DISTRICT OF**
9 **COLUMBIA.**

10 (a) FINDINGS.—Congress finds the following:

11 (1) The Second Amendment to the United
12 States Constitution provides that the right of the
13 people to keep and bear arms shall not be infringed.

14 (2) Approximately 40,000 servicemen and
15 women across all branches of the Armed Forces ei-
16 ther live in or are stationed on active duty within the
17 Washington, DC metropolitan area. Unless these in-
18 dividuals are granted a waiver as serving in a law
19 enforcement role, they are subject to the District of
20 Columbia’s onerous and highly restrictive laws on
21 the possession of firearms.

22 (3) Military personnel, despite being extensively
23 trained in the proper and safe use of firearms, are
24 therefore deprived by the laws of the District of Co-
25 lumbia of handguns, rifles, and shotguns that are

1 commonly kept by law-abiding persons throughout
2 the United States for sporting use and for lawful de-
3 fense of their persons, homes, businesses, and fami-
4 lies.

5 (4) The District of Columbia has one of the
6 highest per capita murder rates in the Nation, which
7 may be attributed in part to previous local laws pro-
8 hibiting possession of firearms by law-abiding per-
9 sons who would have otherwise been able to defend
10 themselves and their loved ones in their own homes
11 and businesses.

12 (5) The Gun Control Act of 1968, as amended
13 by the Firearms Owners' Protection Act, and the
14 Brady Handgun Violence Prevention Act, provide
15 comprehensive Federal regulations applicable in the
16 District of Columbia as elsewhere. In addition, exist-
17 ing District of Columbia criminal laws punish pos-
18 session and illegal use of firearms by violent crimi-
19 nals and felons. Consequently, there is no need for
20 local laws that only affect and disarm law-abiding
21 citizens.

22 (6) On June 26, 2008, the Supreme Court of
23 the United States in the case of *District of Columbia*
24 *v. Heller* held that the Second Amendment protects
25 an individual's right to possess a firearm for tradi-

1 tionally lawful purposes, and thus ruled that the
2 District of Columbia's handgun ban and require-
3 ments that rifles and shotguns in the home be kept
4 unloaded and disassembled or outfitted with a trig-
5 ger lock to be unconstitutional.

6 (7) On July 16, 2008, the District of Columbia
7 enacted the Firearms Control Emergency Amend-
8 ment Act of 2008 (D.C. Act 17-422; 55 DCR
9 8237), which places onerous restrictions on the abil-
10 ity of law-abiding citizens from possessing firearms,
11 thus violating the spirit by which the Supreme Court
12 of the United States ruled in *District of Columbia*
13 *v. Heller*.

14 (8) On February 26, 2009, the United States
15 Senate adopted an amendment on a bipartisan vote
16 of 62-36 by Senator John Ensign to S. 160, the
17 District of Columbia House Voting Rights Act of
18 2009, which would fully restore Second Amendment
19 rights to the citizens of the District of Columbia.

20 (b) SENSE OF CONGRESS.—It is the sense of Con-
21 gress that active duty military personnel who are stationed
22 or residing in the District of Columbia should be permitted
23 to exercise fully their rights under the Second Amendment
24 to the Constitution of the United States and therefore

1 should be exempt from the District of Columbia's restric-
2 tions on the possession of firearms.

3 **SEC. 1094. CONDITIONAL REPLACEMENT FOR FY 2013 SE-**
4 **QUESTER.**

5 (a) CONTINGENT EFFECTIVE DATE.—This section
6 and the amendments made by it shall take effect upon
7 the enactment of—

8 (1) the Act contemplated in section 201 of H.
9 Con. Res. 112 (112th Congress) that achieves at
10 least the deficit reduction called for in such section
11 for such periods; or

12 (2) similar legislation that at least offsets the
13 outlay reductions flowing from the budget authority
14 reductions mandated by section 251A(7)(A) and
15 251A(8) as it applies to direct spending in the de-
16 fense function for fiscal year 2013 of the Balanced
17 Budget and Emergency Deficit Control Act of 1985,
18 as in force immediately before the date of enactment
19 of this Act, combined with the outlay reductions
20 flowing from the amendment to section
21 251A(7)(A)(i) of the Balanced Budget and Emer-
22 gency Deficit Control Act of 1985 made by sub-
23 section (c), within five years of enactment.

24 (b) REVISED 2013 DISCRETIONARY SPENDING
25 LIMIT.—Paragraph (2) of section 251(c) of the Balanced

1 Budget and Emergency Deficit Control Act of 1985 is
2 amended to read as follows:

3 “(2) with respect to fiscal year 2013, for the
4 discretionary category, \$1,047,000,000,000 in new
5 budget authority;”.

6 (c) DISCRETIONARY SAVINGS.—Section 251A(7)(A)
7 of the Balanced Budget and Emergency Deficit Control
8 Act of 1985 is amended to read as follows:

9 “(A) FISCAL YEAR 2013.—

10 “(i) FISCAL YEAR 2013 ADJUST-
11 MENT.—On January 2, 2013, the discre-
12 tionary category set forth in section
13 251(c)(2) shall be decreased by
14 \$19,104,000,000 in budget authority.

15 “(ii) SUPPLEMENTAL SEQUESTRATION
16 ORDER.—On January 15, 2013, OMB
17 shall issue a supplemental sequestration
18 report for fiscal year 2013 and take the
19 form of a final sequestration report as set
20 forth in section 254(f)(2) and using the
21 procedures set forth in section 253(f), to
22 eliminate any discretionary spending
23 breach of the spending limit set forth in
24 section 251(c)(2) as adjusted by clause (i),

1 and the President shall order a sequestra-
2 tion, if any, as required by such report.”.

3 (d) ELIMINATION OF THE FISCAL YEAR 2013 SE-
4 QUESTRATION FOR DEFENSE DIRECT SPENDING.—Any
5 sequestration order issued by the President under the Bal-
6 anced Budget and Emergency Deficit Control Act of 1985
7 to carry out reductions to direct spending for the defense
8 function (050) for fiscal year 2013 pursuant to section
9 251A of such Act shall have no force or effect.

10 (e) REPORT.—

11 (1) IN GENERAL.—Not later than August 15,
12 2012, the Secretary of Defense shall submit to the
13 Committees on Armed Services of the House of Rep-
14 resentatives and the Senate a detailed report on the
15 impact of the sequestration of funds authorized and
16 appropriated for Fiscal Year 2013 for the Depart-
17 ment of Defense, if automatically triggered on Janu-
18 ary 2, 2013, as required by section 251A of the Bal-
19 anced Budget and Emergency Deficit Control Act of
20 1985 (2 U.S.C. 901a), as in effect immediately be-
21 fore the date of enactment of this Act.

22 (2) CONTENTS OF REPORT.—The report re-
23 quired by this section shall include—

24 (A) an assessment of the potential impact
25 of sequestration on the readiness of the Armed

1 Forces, including impacts to steaming hours,
2 flying hours, full spectrum training miles, and
3 all other readiness metrics;

4 (B) an assessment of the impact on ability
5 of the Department of Defense to carry out the
6 National Military Strategy of the United States
7 and any changes to the most recent Chairman's
8 Risk Assessment required by section 153 of
9 title 10, United States Code;

10 (C) a listing of the programs, projects, and
11 activities across the military departments and
12 components that would be reduced or termi-
13 nated as a result of automatically triggered
14 cuts;

15 (D) an estimate of the number and value
16 of all contracts that will be terminated, restruc-
17 tured, or rescoped due to sequestration, includ-
18 ing an estimate of potential termination costs
19 and increased contracts costs due to renegoti-
20 ation and reinstatement of the contract; and

21 (E) an estimate of the number of civilian,
22 contract, and uniformed personnel whose em-
23 ployment would be terminated due to sequestra-
24 tion, including the estimated cost to the De-
25 partment of executing such a drawdown.

1 **SEC. 1095. REPORT ON DEFENSE FORENSIC DATA.**

2 (a) REQUIREMENT.—The Director of the Defense
3 Forensic Office within the Office of the Undersecretary
4 of Defense for Acquisition, Technology, and Logistics may
5 evaluate opportunities to increase the matching success
6 rate when forensic data is collected during site exploitation
7 to match forensic data stored in DNA databases. Among
8 other items, the Defense Forensic Office may evaluate op-
9 portunities to assist other countries with moving forward
10 with DNA database programs that require a defined cat-
11 egory of criminal offender to submit DNA to a foreign
12 country’s national DNA database.

13 (b) REPORT.—The Defense Forensic Office shall sub-
14 mit to the congressional defense committees a report con-
15 taining its findings and solutions no later than 120 days
16 after the date of the enactment of this Act.

17 **SEC. 1096. DISPLAY OF STATE, DISTRICT OF COLUMBIA,**
18 **AND TERRITORIAL FLAGS BY ARMED**
19 **FORCES.**

20 Section 2249b of title 10, United States Code, is
21 amended—

22 (1) by adding at the end the following new sub-
23 section:

24 “(c) DISPLAY OF DISTRICT OF COLUMBIA AND TER-
25 RITORIAL FLAGS BY ARMED FORCES.—The Secretary of
26 Defense shall ensure that whenever the official flags of

1 all 50 States are displayed by the armed forces, such dis-
2 play shall include the flags of the District of Columbia,
3 Commonwealth of Puerto Rico, United States Virgin Is-
4 lands, Guam, American Samoa, and Commonwealth of the
5 Northern Mariana Islands.”; and

6 (2) in the section heading, by striking the colon
7 and all that follows.

8 **SEC. 1097. DISSEMINATION ABROAD OF INFORMATION**
9 **ABOUT THE UNITED STATES.**

10 (a) UNITED STATES INFORMATION AND EDU-
11 CATIONAL EXCHANGE ACT OF 1948.—Section 501 of the
12 United States Information and Educational Exchange Act
13 of 1948 (22 U.S.C. 1461) is amended to read as follows:

14 “GENERAL AUTHORIZATION

15 “SEC. 501. (a) The Secretary and the Broadcasting
16 Board of Governors are authorized to use funds appro-
17 priated or otherwise made available for public diplomacy
18 information programs to provide for the preparation, dis-
19 semination, and use of information intended for foreign
20 audiences abroad about the United States, its people, and
21 its policies, through press, publications, radio, motion pic-
22 tures, the Internet, and other information media, includ-
23 ing social media, and through information centers, in-
24 structors, and other direct or indirect means of commu-
25 nication.

1 “(b)(1) Except as provided in paragraph (2), the Sec-
2 retary and the Broadcasting Board of Governors may,
3 upon request and reimbursement of the reasonable costs
4 incurred in fulfilling such a request, make available, in the
5 United States, motion pictures, films, video, audio, and
6 other materials prepared for dissemination abroad or dis-
7 seminated abroad pursuant to this Act, the United States
8 International Broadcasting Act of 1994 (22 U.S.C. 6201
9 et seq.), the Radio Broadcasting to Cuba Act (22 U.S.C.
10 1465 et seq.), or the Television Broadcasting to Cuba Act
11 (22 U.S.C. 1465aa et seq.). The Secretary and the Broad-
12 casting Board of Governors shall issue necessary regula-
13 tions—

14 “(A) to establish procedures to maintain such
15 material;

16 “(B) for reimbursement of the reasonable costs
17 incurred in fulfilling requests for such material; and

18 “(C) to ensure that the persons seeking release
19 of such material have secured and paid for necessary
20 United States rights and licenses.

21 “(2) With respect to material prepared for dissemina-
22 tion abroad or disseminated abroad before the effective
23 date of the Smith-Mundt Modernization Act of 2012—

24 “(A) the Secretary and the Broadcasting Board
25 of Governors shall make available to the Archivist of

1 the United States, for domestic distribution, motion
2 pictures, films, videotapes, and other material 12
3 years after the initial dissemination of the material
4 abroad; and

5 “(B) the Archivist shall be the official custodian
6 of the material and shall issue necessary regulations
7 to ensure that persons seeking its release in the
8 United States have secured and paid for necessary
9 United States rights and licenses and that all costs
10 associated with the provision of the material by the
11 Archivist shall be paid by the persons seeking its re-
12 lease, in accordance with paragraph (3).

13 “(3) The Archivist may charge fees to recover the
14 costs described in paragraph (2), in accordance with sec-
15 tion 2116 (c) of title 44. Such fees shall be paid into, ad-
16 ministered, and expended as part of the National Archives
17 Trust Fund.

18 “(c) Nothing in this section may be construed to re-
19 quire the Secretary or the Broadcasting Board of Gov-
20 ernors to make material disseminated abroad available in
21 any format other than in the format disseminated
22 abroad.”.

23 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
24 tion may be construed to affect the allocation of funds ap-

1 appropriated or otherwise made specifically available for
2 public diplomacy.

3 (c) FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL
4 YEARS 1986 AND 1987.—Section 208 of the Foreign
5 Relations Authorization Act, Fiscal Years 1986 and 1987
6 (22 U.S.C. 1461–1a) is amended to read as follows:

7 **“SEC. 208. CLARIFICATION ON DOMESTIC DISTRIBUTION OF**
8 **PROGRAM MATERIAL.**

9 “(a) IN GENERAL.—No funds authorized to be ap-
10 propriated to the Department of State or the Broad-
11 casting Board of Governors shall be used to influence pub-
12 lic opinion in the United States. This section shall apply
13 only to programs carried out pursuant to the United
14 States Information and Educational Exchange Act of
15 1948 (22 U.S.C. 1431 et seq.), the United States Inter-
16 national Broadcasting Act of 1994 (22 U.S.C. 6201 et
17 seq.), the Radio Broadcasting to Cuba Act (22 U.S.C.
18 1465 et seq.), and the Television Broadcasting to Cuba
19 Act (22 U.S.C. 1465aa et seq.). This section shall not pro-
20 hibit or delay the Department of State or the Broad-
21 casting Board of Governors from providing information
22 about its operations, policies, programs, or program mate-
23 rial, or making such available, to the media, public, or
24 Congress, in accordance with other applicable law.

1 “(b) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion shall be construed to prohibit the Department of
3 State or the Broadcasting Board of Governors from en-
4 gaging in any medium or form of communication, either
5 directly or indirectly, because a United States domestic
6 audience is or may be thereby exposed to program mate-
7 rial, or based on a presumption of such exposure. Such
8 material may be made available within the United States
9 and disseminated, when appropriate, pursuant to sections
10 502 and 1005 of the United States Information and Edu-
11 cational Exchange Act of 1948 (22 U.S.C. 1462 and
12 1437), except that nothing in this section may be con-
13 strued to authorize the Department of State or the Broad-
14 casting Board of Governors to disseminate within the
15 United States any program material prepared for dissemi-
16 nation abroad on or before the effective date of the Smith-
17 Mundt Modernization Act of 2012.

18 “(c) APPLICATION.—The provisions of this section
19 shall apply only to the Department of State and the
20 Broadcasting Board of Governors and to no other depart-
21 ment or agency of the Federal Government.”.

22 (d) CONFORMING AMENDMENTS.—The United
23 States Information and Educational Exchange Act of
24 1948 is amended—

25 (1) in section 502 (22 U.S.C. 1462)—

1 (A) by inserting “and the Broadcasting
2 Board of Governors” after “Secretary”; and

3 (B) by inserting “or the Broadcasting
4 Board of Governors” after “Department”; and

5 (2) in section 1005 (22 U.S.C. 1437), by insert-
6 ing “and the Broadcasting Board of Governors”
7 after “Secretary” each place it appears.

8 (e) EFFECTIVE DATE.—This section shall take effect
9 and apply on the date that is 180 days after the date of
10 the enactment of this section.

11 **SEC. 1098. IMPROVING ORGANIZATION FOR COMPUTER**
12 **NETWORK OPERATIONS.**

13 (a) CHARTER.—Not later than 180 days after the
14 date of the enactment of this Act, the President shall sub-
15 mit to the congressional defense committees a charter to
16 establish an interagency body or organization to coordi-
17 nate and deconflict full-spectrum military cyber operations
18 for the Federal Government.

19 (b) ELEMENTS.—The charter required under sub-
20 section (a) shall include—

21 (1) business rules and processes for the func-
22 tioning of the body or organization established by
23 such charter;

1 submit to the relevant congressional committees the final
2 report from the National Security Council’s Interagency
3 Policy Committee on Security Sector Assistance.

4 (b) PLAN.—Not later than 180 days after the date
5 of the enactment of this Act, the Secretaries of Defense
6 and State shall jointly submit to the relevant congressional
7 committees a plan to institute mechanisms to better co-
8 ordinate, document, disseminate, and share information
9 analysis and assessments regarding United States foreign
10 police assistance activities.

11 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
12 FINED.—In this section, the term “relevant congressional
13 committees” means—

14 (1) the Committee on Armed Services of the
15 Senate and the House of Representatives;

16 (2) the Committee on Oversight and Govern-
17 ment Reform of the House of Representatives;

18 (3) the Committee on Homeland Security and
19 Governmental Affairs of the Senate;

20 (4) the Committee on Foreign Affairs of the
21 House of Representatives; and

22 (5) the Committee on Foreign Relations of the
23 Senate.

1 **SEC. 1099A. SENSE OF CONGRESS REGARDING UNITED**
2 **STATES NORTHERN COMMAND PREPARED-**
3 **NESS.**

4 It is the sense of the Congress that—

5 (1) the United States Northern Command plays
6 a crucial role in providing additional response capa-
7 bility to State and local governments in domestic
8 disaster relief and consequence management oper-
9 ations;

10 (2) the United States Northern Command must
11 continue to build upon its current efforts to develop
12 command strategies, leadership training, and re-
13 sponse plans to effectively work with civil authorities
14 when acting as the lead agency or a supporting
15 agency; and

16 (3) the United States Northern Command
17 should leverage whenever possible training and man-
18 agement expertise that resides within the Depart-
19 ment of Defense, other Federal agencies, State and
20 local governments, and private sector businesses and
21 academic institutions to enhance—

22 (A) its defense support to civil authorities
23 and incidence management missions;

24 (B) relationships with other entities in-
25 volved in disaster response; and

1 (C) its ability to respond to unforeseen
2 events.

3 **SEC. 1099B. LIMITATION ON MILITARY MUSICAL UNITS.**

4 Amounts authorized to be appropriated pursuant to
5 this Act for military musical units (as such term is defined
6 in section 974 of title 10, United States Code) may not
7 exceed \$200,000,000.

8 **SEC. 1099C. REQUIREMENT FOR ATTORNEY GENERAL TO**
9 **INVESTIGATE POSSIBLE VIOLATIONS OF FED-**
10 **ERAL LAW RELATED TO LEAKS OF SENSITIVE**
11 **INFORMATION INVOLVING THE MILITARY, IN-**
12 **TELLIGENCE, AND OPERATIONAL CAPABILI-**
13 **TIES OF THE UNITED STATES AND ISRAEL.**

14 (a) INVESTIGATION REQUIRED.—Not later than 30
15 days after the date of the enactment of this Act, the Attor-
16 ney General shall initiate an investigation into possible
17 violations of Federal law related to leaks of sensitive infor-
18 mation involving the military, intelligence, and operational
19 capabilities of the United States and Israel.

20 (b) REPORT.—Not later than 60 days after the date
21 of the enactment of this Act, the Attorney General shall
22 submit to Congress a report describing the status and
23 progress of the investigation required under subsection
24 (a).

1 **TITLE XI—CIVILIAN PERSONNEL**
2 **MATTERS**

3 **Subtitle A—General Provisions**

4 **SEC. 1101. EXPANSION OF PERSONNEL MANAGEMENT AU-**
5 **THORITY UNDER EXPERIMENTAL PROGRAM**
6 **WITH RESPECT TO CERTAIN SCIENTIFIC AND**
7 **TECHNICAL POSITIONS.**

8 Subparagraph (A) of section 1101(b)(1) of the Strom
9 Thurmond National Defense Authorization Act for Fiscal
10 Year 1999 (5 U.S.C. 3104 note), as most recently amend-
11 ed by section 1110 of the National Defense Authorization
12 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
13 1615), is further amended by striking “40” and inserting
14 “60”.

15 **SEC. 1102. AUTHORITY TO PAY FOR THE TRANSPORT OF**
16 **FAMILY HOUSEHOLD PETS FOR FEDERAL EM-**
17 **PLOYEES DURING CERTAIN EVACUATION OP-**
18 **ERATIONS.**

19 Section 5725 of title 5, United States Code, is
20 amended—

21 (1) in subsection (a), in the matter following
22 paragraph (2), by striking “and personal effects,”
23 and inserting “, personal effects, and family house-
24 hold pets,”; and

25 (2) by adding at the end the following:

1 “(c)(1) The expenses authorized under subsection (a)
2 shall, with respect to the transport of family household
3 pets, include the expenses for the shipment of and the pay-
4 ment of any quarantine costs for such pets.

5 “(2) Any payment or reimbursement under this sec-
6 tion in connection with the transport of family household
7 pets shall be subject to terms and conditions which—

8 “(A) the head of the agency shall by regulation
9 prescribe; and

10 “(B) shall, to the extent practicable, be the
11 same as would apply under regulations prescribed
12 under section 476(b)(1)(H)(iii) of title 37 in connec-
13 tion with the transport of family household pets of
14 members of the uniformed services, including regula-
15 tions relating to the types, size, and number of pets
16 for which such payment or reimbursement may be
17 provided.”.

18 **SEC. 1103. EXTENSION OF AUTHORITY TO FILL SHORTAGE**
19 **CATEGORY POSITIONS FOR CERTAIN FED-**
20 **ERAL ACQUISITION POSITIONS FOR CIVILIAN**
21 **AGENCIES.**

22 Section 1703(j) of title 41, United States Code, is
23 amended—

24 (1) in paragraph (1)—

1 (A) by striking “sections 3304, 5333, and
2 5753” and inserting “section 3304”; and

3 (B) by striking “use the authorities in
4 those sections to recruit and”; and

5 (2) in paragraph (2), by striking “September
6 30, 2012” and inserting “September 30, 2017”.

7 **SEC. 1104. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE**
8 **ANNUAL LIMITATION ON PREMIUM PAY AND**
9 **AGGREGATE LIMITATION ON PAY FOR FED-**
10 **ERAL CIVILIAN EMPLOYEES WORKING OVER-**
11 **SEAS.**

12 Effective January 1, 2013, section 1101(a) of the
13 Duncan Hunter National Defense Authorization Act for
14 Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615),
15 as most recently amended by section 1104 of the National
16 Defense Authorization Act for Fiscal Year 2012 (Public
17 Law 112–81; 125 Stat. 1612), is further amended by
18 striking “through 2012” and inserting “through 2013”.

19 **SEC. 1105. POLICY ON SENIOR MENTORS.**

20 (a) IN GENERAL.—The Secretary of Defense shall
21 provide written notice to the congressional defense com-
22 mittees at least 60 days before implementing any change
23 in the policy regarding senior mentors issued on or about
24 April 1, 2010.

1 (b) APPLICABILITY.—Changes implemented before
2 the date of the enactment of this Act shall not be affected
3 by this section.

4 **Subtitle B—Interagency Personnel** 5 **Rotations**

6 **SEC. 1111. INTERAGENCY PERSONNEL ROTATIONS.**

7 (a) SHORT TITLE.—This subtitle may be cited as the
8 “Interagency Personnel Rotation Act of 2012”.

9 (b) DEFINITIONS.—In this subtitle:

10 (1) AGENCY.—The term “agency” has the
11 meaning given the term “Executive agency” under
12 section 105 of title 5, United States Code.

13 (2) COMMITTEE.—The term “Committee”
14 means the Committee on National Security Per-
15 sonnel established under subsection (c)(1).

16 (3) COVERED AGENCY.—The term “covered
17 agency” means an agency that is part of an ICI.

18 (4) ICI.—The term “ICI” means a National
19 Security Interagency Community of Interest identi-
20 fied by the Committee under subsection (d)(1).

21 (5) ICI POSITION.—The term “ICI position”—

22 (A) means—

23 (i) a position that—

24 (I) is identified by the head of a
25 covered agency as a position within

1 the covered agency that has signifi-
2 cant responsibility for the subject area
3 of the ICI in which the position is lo-
4 cated and for activities that involve
5 more than 1 agency;

6 (II) is in the civil service (as de-
7 fined in section 2101(1) of title 5,
8 United States Code) in the executive
9 branch of the Government (including
10 a position in the Foreign Service) at
11 or above GS-11 of the General Sched-
12 ule or at a level of responsibility com-
13 parable to a position at or above GS-
14 11 of the General Schedule; and

15 (III) is within an ICI; or

16 (ii) a position in an interagency body
17 identified as an ICI position under sub-
18 section (d)(3)(B)(i); and

19 (B) shall not include—

20 (i) any position described under para-
21 graph (10)(A) or (C); or

22 (ii) any position filled by an employee
23 described under paragraph (10)(B).

24 (6) INTELLIGENCE COMMUNITY.—The term
25 “intelligence community” has the meaning given

1 under section 3(4) of the National Security Act of
2 1947 (50 U.S.C. 401a(4)).

3 (7) INTERAGENCY BODY.—The term “inter-
4 agency body” means an entity or component identi-
5 fied under subsection (d)(3)(A).

6 (8) INTERAGENCY ROTATIONAL SERVICE.—The
7 term “interagency rotational service” means service
8 by an employee in—

9 (A) an ICI position that is—

10 (i) in—

11 (I) a covered agency other than
12 the covered agency employing the em-
13 ployee; or

14 (II) an interagency body, without
15 regard to whether the employee is em-
16 ployed by the agency in which the
17 interagency body is located; and

18 (ii) the same ICI as the position in
19 which the employee serves or has served
20 before serving in that ICI position; or

21 (B) a position in an interagency body iden-
22 tified under subsection (d)(3)(B)(ii).

23 (9) NATIONAL SECURITY INTERAGENCY COM-
24 MUNITY OF INTEREST.—The term “National Secu-
25 rity Interagency Community of Interest” means the

1 positions in the executive branch of the Government
2 that—

3 (A) as a group are positions within mul-
4 tiple agencies of the executive branch of the
5 Government; and

6 (B) have significant responsibility for the
7 same substantive, functional, or regional subject
8 area related to national security or homeland
9 security that requires integration of the posi-
10 tions and activities in that area across multiple
11 agencies to ensure that the executive branch of
12 the Government operates as a single, cohesive
13 enterprise to maximize mission success and
14 minimize cost.

15 (10) POLITICAL APPOINTEE.—The term “polit-
16 ical appointee” means an individual who—

17 (A) is employed in a position described
18 under sections 5312 through 5316 of title 5,
19 United States Code (relating to the Executive
20 Schedule);

21 (B) is a noncareer appointee in the Senior
22 Executive Service, as defined under section
23 3132(a)(7) of title 5, United States Code; or

24 (C) is employed in a position in the execu-
25 tive branch of the Government of a confidential

1 or policy-determining character under schedule
2 C of subpart C of part 213 of title 5 of the
3 Code of Federal Regulations.

4 (11) SENIOR POSITION.—The term “senior po-
5 sition” means—

6 (A) a Senior Executive Service position, as
7 defined in section 3132(a)(2) of title 5, United
8 States Code;

9 (B) a position in the Senior Foreign Serv-
10 ice established under the Foreign Service Act of
11 1980 (22 U.S.C. 3901 et seq.);

12 (C) a position in the Federal Bureau of In-
13 vestigation and Drug Enforcement Administra-
14 tion Senior Executive Service established under
15 section 3151 of title 5, United States Code;

16 (D) a position filled by a limited term ap-
17 pointee or limited emergency appointee in the
18 Senior Executive Service, as defined under
19 paragraphs (5) and (6), respectively, of section
20 3132(a) of title 5, United States Code; and

21 (E) any other equivalent position identified
22 by the Committee.

23 (c) COMMITTEE ON NATIONAL SECURITY PER-
24 SONNEL.—

1 (1) ESTABLISHMENT.—There is established the
2 Committee on National Security Personnel within
3 the Executive Office of the President.

4 (2) MEMBERSHIP.—The members of the Com-
5 mittee shall be the Director of the Office of Manage-
6 ment and Budget, the Director of the Office of Per-
7 sonnel Management, and the Assistant to the Presi-
8 dent for National Security Affairs.

9 (3) CHAIRPERSON.—The Director of the Office
10 of Management and Budget shall be the Chairperson
11 of the Committee.

12 (4) FUNCTIONS.—

13 (A) IN GENERAL.—The Committee shall
14 perform the functions as provided under this
15 subtitle to implement this subtitle and shall
16 validate the actions taken by the heads of cov-
17 ered agencies to implement the directives issued
18 and meet the standards established under sub-
19 paragraph (B).

20 (B) DIRECTIVES AND STANDARDS.—

21 (i) IN GENERAL.—In consultation
22 with the Director of the Office of Per-
23 sonnel Management and the Assistant to
24 the President for National Security Af-
25 fairs, the Director of the Office of Manage-

1 ment and Budget shall issue directives and
2 establish standards relating to the imple-
3 mentation of this subtitle.

4 (ii) USE BY COVERED AGENCIES.—

5 The head of each covered agency shall
6 carry out the responsibilities under this
7 subtitle in accordance with the directives
8 issued and standards established by the
9 Director of the Office of Management and
10 Budget.

11 (5) SUPPORT AND IMPLEMENTATION.—

12 (A) BOARD.—There is established to assist
13 the Committee a board, the members of which
14 shall be appointed—

15 (i) in accordance with subparagraph

16 (B); and

17 (ii) from among individuals holding an
18 office or position in level III of the Execu-
19 tive Schedule.

20 (B) APPOINTMENTS.—Members of the
21 board shall be appointed as follows:

22 (i) One by the Secretary of State.

23 (ii) One by the Secretary of Defense.

24 (iii) One by the Secretary of Home-
25 land Security.

1 (iv) One by the Attorney General.

2 (v) One by the Secretary of the Treas-
3 ury.

4 (vi) One by the Secretary of Energy.

5 (vii) One by the Secretary of Health
6 and Human Services.

7 (viii) One by the Secretary of Com-
8 merce.

9 (ix) One by the head of any other
10 agency (or, if more than 1, by each of the
11 respective heads of any other agencies) de-
12 termined appropriate by the Committee.

13 As used in clause (ix), the term “agency” does
14 not include any element of the intelligence com-
15 munity.

16 (C) CHIEF HUMAN CAPITAL OFFICERS
17 COUNCIL.—The Chief Human Capital Officers
18 Council shall provide advice to the Committee
19 regarding technical human capital issues.

20 (D) COVERED AGENCY OFFICIALS.—

21 (i) IN GENERAL.—The head of each
22 covered agency shall designate an officer
23 and office within that covered agency with
24 responsibility for the implementation of
25 this subtitle.

1 (ii) EXISTING OFFICES.—If an officer
2 or office of a covered agency is designated
3 as the officer or office within the covered
4 agency with responsibility for the imple-
5 mentation of Executive Order No. 13434
6 for the covered agency on the date of en-
7 actment of this Act, the head of the cov-
8 ered agency shall designate the officer or
9 office as the officer or office within the
10 covered agency with responsibility for the
11 implementation of this subtitle.

12 (E) STAFF.—

13 (i) IN GENERAL.—Not more than 3
14 full-time employees (or the equivalent) may
15 be hired to assist the Committee in the im-
16 plementation of this subtitle. Each em-
17 ployee so hired shall be selected from
18 among individuals serving in the Office of
19 Management and Budget, the Office of
20 Personnel Management, or any other agen-
21 cy.

22 (ii) FUNDING.—

23 (I) AUTHORIZATION OF APPRO-
24 PRIATIONS.—There are authorized to
25 be appropriated for each of fiscal

1 years 2013 through 2017 to carry out
2 clause (i) an amount equal to the
3 amount expended for salaries and ex-
4 penses of the National Security Pro-
5 fessional Development Integration Of-
6 fice during fiscal year 2012.

7 (II) OFFSET.—

8 (aa) IN GENERAL.—Except
9 as provided in subparagraph
10 (D)(ii), effective on the date of
11 enactment of this Act, the Na-
12 tional Security Professional De-
13 velopment Integration Office of
14 the Department of Defense is
15 terminated and, on and after the
16 date of enactment of this Act,
17 the Secretary of Defense may not
18 establish a comparable office to
19 implement Executive Order No.
20 13434 or to design, administer,
21 or report on the creation of a na-
22 tional security professional devel-
23 opment system, cadre of national
24 security professionals, or any per-
25 sonnel rotations, education, or

1 training for individuals involved
2 in interagency activities or who
3 are national security profes-
4 sionals who are not employed by
5 the Department of Defense.
6 Nothing in this item shall be con-
7 strued to prohibit the Secretary
8 of Defense from establishing or
9 designating an office to admin-
10 ister interagency rotations by, or
11 the interagency activities of, em-
12 ployees of the Department of De-
13 fense.

14 (bb) TRANSFER OF FUNC-
15 TIONS.—Effective on the date of
16 enactment of this Act, there are
17 transferred to the Office of Man-
18 agement and Budget or the Of-
19 fice of Personnel Management, as
20 determined appropriate by the
21 Committee, the functions of the
22 National Security Professional
23 Development Integration Office
24 of the Department of Defense.

1 (cc) FUNDS.—Effective on
2 the date of enactment of this
3 Act, all unobligated balances
4 made available for the activities
5 of the National Security Profes-
6 sional Development Integration
7 Office of the Department of De-
8 fense are rescinded.

9 (d) NATIONAL SECURITY INTERAGENCY COMMU-
10 NITIES OF INTEREST.—

11 (1) IDENTIFICATION OF ICIS.—Subject to sub-
12 section (g), the Committee—

13 (A) shall identify ICIs on an ongoing basis
14 for purposes of carrying out this subtitle; and

15 (B) may alter or discontinue an ICI identi-
16 fied under subparagraph (A).

17 (2) IDENTIFICATION OF ICI POSITIONS.—The
18 head of each covered agency shall identify ICI posi-
19 tions within the covered agency.

20 (3) INTERAGENCY BODIES.—

21 (A) IDENTIFICATION.—

22 (i) IN GENERAL.—The Committee
23 shall identify—

24 (I) entities in the executive
25 branch of the Government that are

1 primarily involved in interagency ac-
2 tivities relating to national security or
3 homeland security; and

4 (II) components of agencies that
5 are primarily involved in interagency
6 activities relating to national security
7 or homeland security and have a mis-
8 sion distinct from the agency within
9 which the component is located.

10 (ii) CERTAIN BODIES.—

11 (I) IN GENERAL.—The Com-
12 mittee shall identify the National Se-
13 curity Council as an interagency body
14 under this subparagraph.

15 (II) FBI ROTATIONS.—Joint
16 Terrorism Task Forces shall not be
17 considered interagency bodies for pur-
18 poses of service by employees of the
19 Federal Bureau of Investigation.

20 (iii) DUTIES OF HEAD OF COVERED
21 AGENCY.—The Committee shall designate
22 the Federal officer who shall perform the
23 duties of the head of a covered agency re-
24 lating to ICI positions within an inter-
25 agency body.

1 (B) POSITIONS IN INTERAGENCY BOD-
2 IES.—The officials designated under subpara-
3 graph (A)(iii) shall identify—

4 (i) positions within their respective
5 interagency bodies that are ICI positions;
6 and

7 (ii) positions within their respective
8 interagency bodies—

9 (I) that are not a position de-
10 scribed under subsection (b)(10)(A) or
11 (C) or a position filled by an employee
12 described under subsection
13 (b)(10)(B); and

14 (II) for which service in the posi-
15 tion shall constitute interagency rota-
16 tional service.

17 (e) INTERAGENCY COMMUNITY OF INTEREST ROTA-
18 TIONAL SERVICE.—

19 (1) EXCLUSION OF SENIOR POSITIONS.—For
20 purposes of this subsection, the term “ICI position”
21 does not include a senior position.

22 (2) ROTATIONS.—

23 (A) IN GENERAL.—The Committee shall
24 provide for employees serving in an ICI position

1 to be assigned on a rotational basis to another
2 ICI position that is—

3 (i) within another covered agency or
4 within an interagency body; and

5 (ii) within the same ICI.

6 (B) EXCEPTION.—An employee may be as-
7 signed to an ICI position in another covered
8 agency or in an interagency body that is not in
9 the ICI applicable to an ICI position in which
10 the employee serves or has served if—

11 (i) the employee has particular non-
12 governmental or other expertise or skills
13 that are relevant to the assigned ICI posi-
14 tion; and

15 (ii) the head of the covered agency
16 employing the employee, the head of the
17 covered agency to which the assignment is
18 made, and the Committee approve the as-
19 signment.

20 (C) NONREIMBURSABLE BASIS.—Service
21 by an employee in an ICI position in another
22 covered agency or in an interagency body that
23 is not within the agency employing the em-
24 ployee shall be performed without reimburse-
25 ment.

1 (D) RETURN TO PRIOR POSITION.—Except
2 as otherwise provided by the Committee, an em-
3 ployee performing service in an ICI position in
4 another covered agency or interagency body or
5 in a position designated under subsection
6 (d)(3)(B)(ii) shall be entitled to return, within
7 a reasonable period of time after the end of the
8 period of service, to the position held by the
9 employee, or a corresponding or higher position
10 (or, in the case of an employee in the Foreign
11 Service, as defined in section 102(11) of the
12 Foreign Service Act of 1980 (22 U.S.C.
13 3902(11)), a position in the same or a higher
14 personnel category), in the covered agency em-
15 ploying the employee.

16 (3) SELECTION OF ICI POSITIONS OPEN FOR
17 ROTATIONAL SERVICE.—

18 (A) IN GENERAL.—The head of each cov-
19 ered agency shall determine which ICI positions
20 in the covered agency shall be available for
21 service by employees from another covered
22 agency and may modify a determination under
23 this subparagraph.

24 (B) LIST.—The Committee shall maintain
25 a single, integrated list of ICI positions and of

1 positions available for service by employees
2 from another covered agency under this sub-
3 section and shall make the list available to Fed-
4 eral employees on an ongoing basis in order to
5 facilitate applications for the positions and
6 long-term career planning by employees of the
7 executive branch of the Government, except to
8 the extent that the Committee determines that
9 the identity of certain positions should not be
10 distributed in order to protect national security
11 or homeland security.

12 (4) MINIMUM PERIOD OF SERVICE.—With re-
13 spect to the period of service in an ICI position in
14 another covered agency or interagency body, the
15 Committee—

16 (A) shall, notwithstanding any other provi-
17 sion of law, ensure that the period of service is
18 sufficient to gain an adequately detailed under-
19 standing and perspective of the covered agency
20 or interagency body at which the employee is
21 assigned;

22 (B) may provide for different periods of
23 service, depending upon the nature of the posi-
24 tion, including whether the position is in an
25 area that is a combat zone for purposes of sec-

1 tion 112 of the Internal Revenue Code of 1986;
2 and

3 (C) shall require that an employee per-
4 forming service in an ICI position in another
5 covered agency or interagency body is informed
6 of the period of service for the position before
7 beginning such service.

8 (5) VOLUNTARY NATURE OF ROTATIONAL SERV-
9 ICE.—

10 (A) IN GENERAL.—Except as provided in
11 subparagraph (B), service in an ICI position in
12 another covered agency or interagency body
13 shall be voluntary on the part of the employee.

14 (B) AUTHORITY TO ASSIGN INVOLUN-
15 TARILY.—If the head of a covered agency has
16 the authority under another provision of law to
17 assign an employee involuntarily to a position
18 and the employee is serving in an ICI position,
19 the head of the covered agency may assign the
20 employee involuntarily to serve in an ICI posi-
21 tion in another covered agency or interagency
22 body.

23 (6) TRAINING AND EDUCATION OF PERSONNEL
24 PERFORMING INTERAGENCY ROTATIONAL SERV-
25 ICE.—Each employee performing interagency rota-

1 tional service shall participate in the training and
2 education, if any, that is regularly provided to new
3 employees by the covered agency or interagency body
4 in which the employee is serving in order to learn
5 how the covered agency or interagency body func-
6 tions.

7 (7) PREVENTION OF NEED FOR INCREASED
8 PERSONNEL LEVELS.—The Committee shall ensure
9 that employees are rotated across covered agencies
10 and interagency bodies within an ICI in a manner
11 that ensures that, for the original ICI positions of
12 all employees performing service in an ICI position
13 in another covered agency or interagency body—

14 (A) employees from another covered agen-
15 cy or interagency body who are performing
16 service in an ICI position in another covered
17 agency or interagency body, or other available
18 employees, begin service in such original posi-
19 tions within a reasonable period, at no addi-
20 tional cost to the covered agency or the inter-
21 agency body in which such original positions are
22 located; or

23 (B) other employees do not need to serve
24 in the positions in order to maintain the effec-
25 tiveness of or to prevent any costs being ac-

1 crued by the covered agency or interagency
2 body in which such original positions are lo-
3 cated.

4 (8) OPEN AND FAIR COMPETITION.—Each cov-
5 ered agency or interagency body that has an ICI po-
6 sition available for service by an employee from an-
7 other covered agency shall coordinate with the Office
8 of Personnel Management to ensure that employees
9 of covered agencies selected to perform interagency
10 rotational service shall be selected in a fully open
11 and competitive manner that is consistent with the
12 merit system principles set forth in paragraphs (1)
13 and (2) of section 2301(b) of title 5, United States
14 Code, unless the ICI position is otherwise exempt
15 under another provision of law.

16 (9) PERSONNEL LAW MATTERS.—

17 (A) NATIONAL SECURITY EXCLUSION.—
18 The identification of a position as available for
19 service by an employee of another covered agen-
20 cy or as being within an ICI shall not be a basis
21 for an order under section 7103(b) of title 5,
22 United States Code, excluding the covered
23 agency, or a subdivision thereof, in which the
24 position is located from the applicability of
25 chapter 71 of such title.

1 (B) ON ROTATION.—An employee per-
2 forming interagency rotational service shall
3 have all the rights that would be available to
4 the employee if the employee were detailed or
5 assigned under a provision of law other than
6 this subtitle from the agency employing the em-
7 ployee to the agency in which the ICI position
8 in which the employee is serving is located.

9 (10) CONSULTATION.—The Committee shall
10 consult with relevant associations, unions, and other
11 groups involved in collective bargaining or encour-
12 aging public service, organizational reform of the
13 Government, or interagency activities (such as the
14 Simons Center for the Study of Interagency Co-
15 operation of the Command and General Staff Col-
16 lege Foundation) in formulating and implementing
17 policies under this subtitle.

18 (11) OFFICERS OF THE ARMED FORCES.—The
19 policies, procedures, and practices for the manage-
20 ment of officers of the Armed Forces may provide
21 for the assignment of officers of the Armed Forces
22 to ICI positions or positions designated under sub-
23 section (d)(3)(B)(ii).

24 (12) PERFORMANCE APPRAISALS.—The Com-
25 mittee shall—

1 (A) ensure that an employee receives per-
2 formance evaluations that are based primarily
3 on the contribution of the employee to the work
4 of the covered agency in which the employee is
5 performing service in an ICI position in another
6 covered agency or interagency body and the
7 functioning of the applicable ICI; and

8 (B) require that—

9 (i) officials at the covered agency em-
10 ploying the employee conduct the evalua-
11 tions based on input from the supervisors
12 of the employee during service in an ICI
13 position in another covered agency or
14 interagency body; and

15 (ii) the evaluations shall be provided
16 the same weight in the receipt of pro-
17 motions and other rewards by the employee
18 from the covered agency employing the em-
19 ployee as performance evaluations receive
20 for other employees of the covered agency.

21 (f) SELECTION OF SENIOR POSITIONS IN AN INTER-
22 AGENCY COMMUNITY OF INTEREST.—

23 (1) SELECTION OF INDIVIDUALS TO FILL SEN-
24 IOR POSITIONS WITHIN AN ICI.—In selecting individ-
25 uals to fill senior positions within an ICI, the head

1 of a covered agency shall ensure that a strong pref-
2 erence is given to personnel who have performed
3 interagency rotational service.

4 (2) ESTABLISHMENT BY HEADS OF COVERED
5 AGENCIES OF MINIMUM THRESHOLDS.—

6 (A) IN GENERAL.—On October 1 of the
7 2nd fiscal year after the fiscal year in which the
8 Committee identifies an ICI, and October 1 of
9 each fiscal year thereafter, the head of each
10 covered agency within which 1 or more posi-
11 tions within that ICI are located shall establish
12 the minimum number of that agency's senior
13 positions that are within that ICI that shall be
14 filled by personnel who have performed inter-
15 agency rotational service.

16 (B) REPORTING REQUIREMENTS.—

17 (i) MINIMUM NUMBER OF POSI-
18 TIONS.—Not later than 30 days after the
19 date on which all heads of covered agencies
20 have established the minimum number re-
21 quired under subparagraph (A) for a fiscal
22 year, the Committee shall submit to Con-
23 gress a consolidated list of the minimum
24 numbers of senior positions that shall be

1 filled by personnel who have performed
2 interagency rotational service.

3 (ii) FAILURE TO MEET MINIMUM NUM-
4 BER.—Not later than 30 days after the
5 end of any fiscal year in which a covered
6 agency fails to meet the minimum number
7 of senior positions to be filled by individ-
8 uals who have performed interagency rota-
9 tional service established by the head of
10 the covered agency under subparagraph
11 (A), the head of the covered agency shall
12 submit to the Committee and Congress a
13 report identifying the failure and indi-
14 cating what actions the head of the covered
15 agency has taken or plans to take in re-
16 sponse to the failure.

17 (3) OTHER ROTATIONAL REQUIREMENTS.—

18 (A) CREDIT FOR SERVICE IN ANOTHER
19 COMPONENT WITHIN AN AGENCY.—Service per-
20 formed during the first 3 fiscal years after the
21 fiscal year in which an ICI is identified by the
22 Committee by an employee in a rotation to an
23 ICI position in another component of the cov-
24 ered agency that employs the employee that is
25 identified under subparagraph (B) shall con-

1 stitute interagency rotational service for pur-
2 poses of this section.

3 (B) IDENTIFICATION OF COMPONENTS.—

4 Subject to approval by the Committee, the head
5 of a covered agency may identify the compo-
6 nents of the covered agency that are sufficiently
7 independent in functionality for service in a ro-
8 tation in the component to qualify as service in
9 another component of the covered agency for
10 purposes of subparagraph (A).

11 (g) IMPLEMENTATION.—

12 (1) ICIS AND ICI POSITIONS.—

13 (A) IN GENERAL.—During each of the
14 first 4 fiscal years after the fiscal year in which
15 this Act is enacted—

16 (i) there shall be 2 ICIs, which shall
17 be an ICI for emergency management and
18 an ICI for stabilization and reconstruction;
19 and

20 (ii) not less than 20 employees and
21 not more than 25 employees in the execu-
22 tive branch of the Government shall per-
23 form service in an ICI position in another
24 covered agency or in an interagency body

1 that is not within the agency employing
2 the employee under this subtitle.

3 (B) LOCATION.—

4 (i) IN GENERAL.—The Committee
5 shall designate a metropolitan area in
6 which the ICI for emergency management
7 will be located and a metropolitan area in
8 which the ICI for stabilization and recon-
9 struction will be located.

10 (ii) SERVICE.—During the first 4 fis-
11 cal years after the fiscal year in which this
12 Act is enacted, any service in an ICI posi-
13 tion in another covered agency or in an
14 interagency body that is not within the
15 agency employing the employee shall be
16 performed—

17 (I) by an employee who is located
18 in a metropolitan area for the ICI
19 designated under clause (i) before be-
20 ginning service in the ICI position;
21 and

22 (II) at a location in a metropoli-
23 tan area for the ICI designated under
24 clause (i).

1 (2) PRIORITY FOR DETAILS.—During the first
2 4 fiscal years after the fiscal year in which this Act
3 is enacted, a covered agency shall give priority in
4 using amounts available to the covered agency for
5 details to assigning employees on a rotational basis
6 under this subtitle.

7 (h) STRATEGY AND PERFORMANCE EVALUATION.—

8 (1) ISSUING OF STRATEGY.—

9 (A) IN GENERAL.—Not later than October
10 1 of the 3rd fiscal year after the fiscal year in
11 which this Act is enacted, and every 4 fiscal
12 years thereafter through the 11th fiscal year
13 after the fiscal year in which this Act is en-
14 acted, the Committee shall issue a National Se-
15 curity Human Capital Strategy to develop the
16 national security and homeland security per-
17 sonnel necessary for accomplishing national se-
18 curity and homeland security objectives that re-
19 quire integration of personnel and activities
20 from multiple agencies of the executive branch
21 of the Government.

22 (B) CONSULTATIONS WITH CONGRESS.—In
23 developing or making adjustments to the Na-
24 tional Security Human Capital Strategy issued
25 under subparagraph (A), the Committee—

1 (i) shall consult at least annually with
2 Congress, including majority and minority
3 views from all appropriate authorizing, ap-
4 propriations, and oversight committees;
5 and

6 (ii) as the Committee determines ap-
7 propriate, shall solicit and consider the
8 views and suggestions of entities poten-
9 tially affected by or interested in the strat-
10 egy.

11 (C) CONTENTS OF STRATEGY.—Each Na-
12 tional Security Human Capital Strategy issued
13 under subparagraph (A) shall—

14 (i) provide for the implementation of
15 this subtitle;

16 (ii) identify best practices from ICIs
17 already in operation;

18 (iii) identify any additional ICIs to be
19 identified by the Committee;

20 (iv) include a schedule for the
21 issuance of directives and establishment of
22 standards relating to the requirements
23 under this subtitle by the Committee;

24 (v) include a description of how the
25 strategy incorporates views and sugges-

1 tions obtained through the consultations
2 with Congress required under subpara-
3 graph (B);

4 (vi) include an assessment of perform-
5 ance measures over a multi-year period,
6 such as—

7 (I) the percentage of ICI posi-
8 tions available for service by employ-
9 ees from another covered agency for
10 which such employees performed such
11 service;

12 (II) the number of personnel par-
13 ticipating in interagency rotational
14 service in each covered agency and
15 interagency body;

16 (III) the length of interagency
17 rotational service under this subtitle;

18 (IV) reports by the heads of cov-
19 ered agencies submitted under sub-
20 section (f)(2)(B)(ii);

21 (V) the training and education of
22 personnel who perform interagency ro-
23 tational service, and the evaluation by
24 the Committee of the training and
25 education;

1 (VI) the positions (including
2 grade level) held by employees who
3 perform interagency rotational service
4 during the period beginning on the
5 date on which the interagency rota-
6 tional service terminates and ending
7 on the date of the assessment; and

8 (VII) to the extent possible, the
9 evaluation of the Committee of the
10 utility of interagency rotational service
11 in improving interagency integration.

12 (2) REPORTS.—Not later than October 1 of the
13 2nd fiscal year after a fiscal year in which the Com-
14 mittee issues a National Security Human Capital
15 Strategy under paragraph (1), the Committee shall
16 assess the performance measures described in para-
17 graph (1)(C)(vi).

18 (3) SUBMISSION TO CONGRESS.—Not later than
19 30 days after the date on which the Committee
20 issues a National Security Human Capital Strategy
21 under paragraph (1) or assesses performance meas-
22 ures under paragraph (2), the Committee shall sub-
23 mit the strategy or assessment to Congress.

24 (i) GAO STUDY OF INTERAGENCY ROTATIONAL
25 SERVICE.—Not later than the end of the 2nd fiscal year

1 after the fiscal year in which this Act is enacted, the
2 Comptroller General of the United States shall submit to
3 Congress a report regarding—

4 (1) the extent to which performing service in an
5 ICI position in another covered agency or an inter-
6 agency body under this subtitle enabled the employ-
7 ees performing the service to gain an adequately de-
8 tailed understanding of and perspective on the cov-
9 ered agency or interagency body, including an as-
10 sessment of the effect of—

11 (A) the period of service; and

12 (B) the duties performed by the employees
13 during the service;

14 (2) the effectiveness of the Committee and the
15 staff of the Committee funded under subsection
16 (c)(5)(E)(ii) in overseeing and managing interagency
17 rotational service under this subtitle, including an
18 evaluation of any directives or standards issued by
19 the Committee;

20 (3) the participation of covered agencies in
21 interagency rotational service under this subtitle, in-
22 cluding whether each covered agency that performs
23 a mission relating to an ICI in effect—

24 (A) identified positions within the covered
25 agency as ICI positions;

1 (B) had 1 or more employees from another
2 covered agency perform service in an ICI posi-
3 tion in the covered agency; or

4 (C) had 1 or more employees of the cov-
5 ered agency perform service in an ICI position
6 in another covered agency;

7 (4) the positions (including grade level) held by
8 employees after completing interagency rotational
9 service under this subtitle, and the extent to which
10 the employees were rewarded for the service; and

11 (5) the extent to which or likelihood that inter-
12 agency rotational service under this subtitle has im-
13 proved or is expected to improve interagency inte-
14 gration.

15 (j) PROHIBITION OF PRINTED REPORTS.—Each
16 strategy, plan, report, or other submission required under
17 this subtitle—

18 (1) shall be made available by the agency
19 issuing the strategy, plan, report, or other submis-
20 sion only in electronic form; and

21 (2) shall not be made available by the agency
22 in printed form.

23 (k) EXCLUSION.—This subtitle shall not apply to any
24 element of the intelligence community.

1 **TITLE XII—MATTERS RELATING**
2 **TO FOREIGN NATIONS**
3 **Subtitle A—Assistance and**
4 **Training**

5 **SEC. 1201. COMMANDERS' EMERGENCY RESPONSE PRO-**
6 **GRAM IN AFGHANISTAN.**

7 (a) **AUTHORITY FOR FISCAL YEAR 2013.**—Sub-
8 section (a) of section 1201 of the National Defense Au-
9 thorization Act for Fiscal Year 2012 (Public Law 112–
10 81; 125 Stat. 1619) is amended—

11 (1) in the heading, by striking “FISCAL YEAR
12 2012” and inserting “FISCAL YEAR 2013”; and

13 (2) by striking “fiscal year 2012” and inserting
14 “fiscal year 2013”.

15 (b) **QUARTERLY REPORTS.**—Subsection (b)(1) of
16 such section is amended by striking “fiscal year 2012”
17 and inserting “fiscal year 2013”.

18 (c) **EXTENSION OF AUTHORITY TO ACCEPT CON-**
19 **TRIBUTIONS.**—Subsection (f) of such section is amended
20 by striking “in fiscal year 2012” and inserting “during
21 any period during which the authority of subsection (a)
22 is in effect”.

1 **SEC. 1202. MODIFICATION OF AUTHORITIES RELATING TO**
2 **PROGRAM TO BUILD THE CAPACITY OF FOR-**
3 **EIGN MILITARY FORCES.**

4 (a) **AUTHORIZED ELEMENTS.**—Section 1206(b)(1) of
5 the National Defense Authorization Act for Fiscal Year
6 2006 (Public Law 109–163; 119 Stat. 3457), as amended
7 by the John Warner National Defense Authorization Act
8 for Fiscal Year 2007 (Public Law 109–364; 120 Stat.
9 2418), is further amended by striking “equipment, sup-
10 plies and training” and inserting “equipment, supplies,
11 training, and small-scale military construction activities”.

12 (b) **USE OF FUNDS FOR FISCAL YEAR 2013.**—Sub-
13 section (e) of such section, as most recently amended by
14 section 1204(a) of the National Defense Authorization Act
15 for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
16 1621), is further amended by adding at the end the fol-
17 lowing:

18 “(6) **USE OF FUNDS FOR FISCAL YEAR 2013.**—

19 “(A) **LIMITATION ON SMALL-SCALE MILI-**
20 **TARY CONSTRUCTION ACTIVITIES.**—Of amounts
21 available under this subsection for the authority
22 in subsection (a) for fiscal year 2013—

23 “(i) not more than \$750,000 may be
24 obligated or expended for small-scale mili-
25 tary construction activities (as described in

1 subsection (b)(1)) under a program au-
2 thorized under subsection (a); and

3 “(ii) not more than \$25,000,000 may
4 be obligated or expended for small-scale
5 military construction activities (as de-
6 scribed in subsection (b)(1)) under all pro-
7 grams authorized under subsection (a).

8 “(B) AVAILABILITY OF FUNDS FOR PRO-
9 GRAMS DURING FISCAL YEAR 2014.—

10 “(i) IN GENERAL.—Subject to clause
11 (ii), not more than 20 percent of amounts
12 available under this subsection for the au-
13 thority in subsection (a) for fiscal year
14 2013 may be obligated and expended to
15 conduct or support a program authorized
16 under subsection (a) during fiscal year
17 2014.

18 “(ii) NOTIFICATION.—Whenever the
19 Secretary of Defense decides, with the con-
20 currence of the Secretary of State, to con-
21 duct or support a program authorized
22 under subsection (a) during fiscal year
23 2014 using amounts described in clause
24 (i), the Secretary of Defense shall submit
25 to the congressional committees specified

1 in paragraph (3) of subsection (e) a notifi-
2 cation in writing of that decision in accord-
3 ance with such subsection by not later
4 than September 30, 2013.”.

5 **SEC. 1203. THREE-YEAR EXTENSION OF AUTHORITY FOR**
6 **NON-RECIPROCAL EXCHANGES OF DEFENSE**
7 **PERSONNEL BETWEEN THE UNITED STATES**
8 **AND FOREIGN COUNTRIES.**

9 Section 1207(f) of the National Defense Authoriza-
10 tion Act for Fiscal Year 2010 (Public Law 111–84; 123
11 Stat. 2514; 10 U.S.C. 168 note) is amended by striking
12 “September 30, 2012” and inserting “September 30,
13 2015”.

14 **Subtitle B—Matters Relating to**
15 **Iraq, Afghanistan, and Pakistan**

16 **SEC. 1211. ONE-YEAR EXTENSION OF AUTHORITY FOR RE-**
17 **IMBURSEMENT OF CERTAIN COALITION NA-**
18 **TIONS FOR SUPPORT PROVIDED TO UNITED**
19 **STATES MILITARY OPERATIONS.**

20 (a) EXTENSION.—Subsection (a) of section 1233 of
21 the National Defense Authorization Act for Fiscal Year
22 2008 (Public Law 110–181; 122 Stat. 393), as most re-
23 cently amended by section 1213 of the National Defense
24 Authorization Act for Fiscal Year 2012 (Public Law 112–
25 81; 125 Stat. 1630), is further amended—

1 (1) by striking “fiscal year 2012” and inserting
2 “fiscal year 2013”; and

3 (2) by striking “Operation Iraqi Freedom or”.

4 (b) LIMITATION ON AMOUNT AVAILABLE.—Sub-
5 section (d)(1) of such section, as so amended, is further
6 amended—

7 (1) by striking “fiscal year 2012” and inserting
8 “fiscal year 2013”;

9 (2) by striking “\$1,690,000,000” and inserting
10 “\$1,650,000,000”; and

11 (3) by adding at the end the following: “Of the
12 aggregate amount specified in the preceding sen-
13 tence, the total amount of reimbursements made
14 under subsection (a) and support provided under
15 subsection (b) to Pakistan during fiscal year 2013
16 may not exceed \$650,000,000.”.

17 (c) ADDITIONAL LIMITATION ON REIMBURSEMENT
18 OF THE GOVERNMENT OF PAKISTAN.—Such section, as
19 so amended, is further amended—

20 (1) by redesignating subsection (f) as sub-
21 section (g); and

22 (2) by inserting after subsection (e) the fol-
23 lowing:

24 “(f) ADDITIONAL LIMITATION ON REIMBURSEMENT
25 OF THE GOVERNMENT OF PAKISTAN.—In addition to the

1 other requirements of this section, reimbursements au-
2 thorized by subsection (a) and the support authorized by
3 subsection (b) may be made to the Government of Paki-
4 stan for support of United States military operations for
5 fiscal year 2013 only if the Secretary of Defense submits
6 to the congressional defense committees the following:

7 “(1) A report that contains a description of—

8 “(A) a model for reimbursement, including
9 how claims are proposed and adjudicated;

10 “(B) new conditions or caveats that the
11 Government of Pakistan places on the use of its
12 supply routes; and

13 “(C) the estimated differences in costs as-
14 sociated with transit through supply routes in
15 Pakistan for fiscal year 2011 as compared to
16 fiscal year 2013.

17 “(2) A certification of the Secretary of Defense
18 that the Government of Pakistan is taking demon-
19 strable steps to—

20 “(A) supporting counterterrorism oper-
21 ations against Al Qaeda, its associated move-
22 ments, the Haqqani Network, and other domes-
23 tic and foreign terrorist organizations;

1 “(B) dismantling improvised explosive de-
2 vice (IED) networks and interdicting precursor
3 chemicals used in the manufacture of IEDs;

4 “(C) preventing the proliferation of nu-
5 clear-related material and expertise; and

6 “(D) issuing visas in a timely manner for
7 United States Government personnel supporting
8 counterterrorism efforts and assistance pro-
9 grams in Pakistan.

10 “(3) A certification of the Secretary of Defense
11 that the Government of Pakistan—

12 “(A) has opened the Ground Lines of
13 Communication;

14 “(B) is allowing the transit of NATO sup-
15 plies through Pakistan into Afghanistan; and

16 “(C) is supporting retrograde of United
17 States equipment out of Afghanistan.”.

18 **SEC. 1212. AUTHORITY TO SUPPORT OPERATIONS AND AC-**
19 **TIVITIES OF THE OFFICE OF SECURITY CO-**
20 **OPERATION IN IRAQ.**

21 (a) TYPES OF SUPPORT.—Subsection (b) of section
22 1215 of the National Defense Authorization Act for Fiscal
23 Year 2012 (Public Law 112–81; 125 Stat. 1631) is
24 amended—

1 (1) by striking “The operations” and inserting
2 the following:

3 “(1) IN GENERAL.—The operations”; and

4 (2) by adding at the end the following:

5 “(2) TRAIN AND ASSIST.—The operations and
6 activities that may be carried out by the Office of
7 Security Cooperation in Iraq using funds provided
8 under subsection (a) may, with the concurrence of
9 the Secretary of State, include training and assisting
10 Iraqi Ministry of Defense personnel.”.

11 (b) LIMITATION ON AMOUNT.—Subsection (c) of
12 such section is amended by inserting at the end before
13 the period the following: “and in fiscal year 2013 may not
14 exceed \$508,000,000”.

15 (c) SOURCE OF FUNDS.—Subsection (d) of such sec-
16 tion is amended—

17 (1) by inserting “or fiscal year 2013” after
18 “fiscal year 2012”; and

19 (2) by striking “that fiscal year” and inserting
20 “fiscal year 2012 or 2013, as the case may be,”.

21 (d) REPORT.—

22 (1) IN GENERAL.—Not later than 180 days
23 after the date of the enactment of this Act, the Sec-
24 retary of Defense, in consultation with the Secretary
25 of State, shall submit to the appropriate congres-

1 sional committees a report on the Office of Security
2 Cooperation in Iraq.

3 (2) MATTERS TO BE INCLUDED.—The report
4 shall include the following:

5 (A) The plan to consolidate Office sites.

6 (B) The status of any pending requests for
7 additional United States military forces for the
8 Office.

9 (C) The legal status and legal protections
10 provided to Office personnel, the operational
11 impact of such status and protections, and the
12 associated constraints on the operational capac-
13 ity of such personnel by reason of their legal
14 status.

15 (D) The operational and functional limita-
16 tions and authorities of Office personnel.

17 (E) A description of potential direct
18 threats to Office personnel and their capacity to
19 provide adequate force protection to thwart
20 those threats.

21 (3) FORM.—The report shall be submitted in
22 unclassified form, but may contain a classified annex
23 if necessary.

24 (4) DEFINITION.—In this section, the term
25 “appropriate congressional committees” means—

1 (A) the congressional defense committees;
2 and

3 (B) the Committee on Foreign Relations of
4 the Senate and the Committee on Foreign Af-
5 fairs of the House of Representatives.

6 **SEC. 1213. ONE-YEAR EXTENSION OF AUTHORITY TO USE**
7 **FUNDS FOR REINTEGRATION ACTIVITIES IN**
8 **AFGHANISTAN.**

9 Section 1216 of the Ike Skelton National Defense
10 Authorization Act for Fiscal Year 2011 (Public Law 111–
11 383; 124 Stat. 4392), as amended by section 1216 of the
12 National Defense Authorization Act for Fiscal Year 2012
13 (Public Law 112–81; 125 Stat. 1632), is further amend-
14 ed—

15 (1) in subsection (a)—

16 (A) by striking “\$50,000,000” and insert-
17 ing “\$35,000,000”; and

18 (B) by striking “in each of fiscal years
19 2011 and 2012” and inserting “for fiscal year
20 2013”; and

21 (2) in subsection (e)—

22 (A) by striking “utilize funds” and insert-
23 ing “obligate funds”; and

24 (B) by striking “December 31, 2012” and
25 inserting “December 31, 2013”.

1 **SEC. 1214. PROHIBITION ON USE OF PRIVATE SECURITY**
2 **CONTRACTORS AND MEMBERS OF THE AF-**
3 **GHAN PUBLIC PROTECTION FORCE TO PRO-**
4 **VIDE SECURITY FOR MEMBERS OF THE**
5 **ARMED FORCES AND MILITARY INSTALLA-**
6 **TIONS AND FACILITIES IN AFGHANISTAN.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

9 (1) According to the Department of Defense, as
10 of February 1, 2012, there had been 42 insider at-
11 tacks on coalition forces since 2007 by the Afghan
12 National Army, Afghan National Police, or Afghan
13 nationals hired by private security contractors to
14 guard United States bases and facilities in Afghani-
15 stan.

16 (2) The Department of Defense data shows
17 that the trend of insider attacks is increasing.

18 (3) Members of the Armed Forces of the
19 United States continue to be garrisoned and housed
20 in facilities and installations in Afghanistan that are
21 guarded by private security contractors and not by
22 United States or coalition forces.

23 (4) President Karzai has prohibited the use of
24 private security contractors in Afghanistan and de-
25 termined that beginning in March, 2012, the Afghan
26 Ministry of Interior will provide Afghan Public Pro-

1 tection Forces on a reimbursable basis to those de-
2 siring to contract for additional security.

3 (5) The Afghan Ministry of Interior will have
4 the primary responsibility for screening and vetting
5 the Afghan nationals who will comprise the Afghan
6 Public Protection Force.

7 (6) The current force levels in Afghanistan are
8 necessary to accomplish the International Security
9 Assistance Force mission and force protection for
10 members of the Armed Forces garrisoned and
11 housed in Afghanistan should not come at the ex-
12 pense of mission success.

13 (7) The President of the United States has
14 begun to draw down United States military forces in
15 Afghanistan and has committed to continue this
16 drawdown through 2014.

17 (8) The redeployment phase of any military op-
18 eration brings increasing vulnerabilities to members
19 of the Armed Forces.

20 (9) It is the responsibility of the Commander in
21 Chief to provide for the security for members of the
22 Armed Forces deployed to Afghanistan and to miti-
23 gate internal threats to such forces to the greatest
24 extent possible, while continuing to meet the objec-
25 tives of the International Security Assistance Force

1 mission in Afghanistan, including the training and
2 equipping of the Afghan National Security Forces in
3 order that they may provide for their own security.

4 (b) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that—

6 (1) the best security and force protection for
7 members of the Armed Forces garrisoned and
8 housed in Afghanistan should be provided;

9 (2) better security and force protection for
10 members of the Armed Forces garrisoned and
11 housed in Afghanistan can be provided by United
12 States military personnel than private security con-
13 tractors or members of the Afghan Public Protection
14 Force;

15 (3) the President should take action in light of
16 the increased risk to members of the Armed Forces
17 during this transitional period in Afghanistan and
18 the increasing number of insider attacks; and

19 (4) the United States remains committed to
20 mission success in Afghanistan in light of the na-
21 tional security interests in the region and the sac-
22 rifice and commitment of the United States Armed
23 Forces over the last ten years.

24 (c) PROHIBITION.—Notwithstanding section 2465 of
25 title 10, United States Code, funds appropriated to the

1 Department of Defense may not be obligated or expended
2 for the purpose of—

3 (1) entering into a contract for the performance
4 of security-guard functions at a military installation
5 or facility in Afghanistan at which members of the
6 Armed Forces deployed to Afghanistan are garrisoned or housed;

8 (2) otherwise employing private security contractors to provide security for members of the
9 Armed Forces deployed to Afghanistan; or

11 (3) employing the Afghan Public Protection
12 Force to provide security for such members or to
13 perform such security-guard functions at such a
14 military installation or facility.

15 (d) REQUIREMENT.—

16 (1) IN GENERAL.—The President shall ensure
17 that as many appropriately trained members of the
18 Armed Forces of the United States as are necessary
19 are available to—

20 (A) perform security-guard functions at all
21 military installations and facilities in Afghani-
22 stan at which members of the Armed Forces
23 deployed to Afghanistan are garrisoned or
24 housed;

1 (B) provide security for members of the
2 Armed Forces deployed to Afghanistan; and

3 (C) provide adequate counterintelligence
4 support for such members.

5 (2) RELATIONSHIP TO OTHER REQUIREMENTS
6 AND LIMITATIONS.—The members of the Armed
7 Forces required to be made available under para-
8 graph (1) shall be in addition to—

9 (A) the number of such members who are
10 deployed to Afghanistan to support the require-
11 ments of the North Atlantic Treaty Organiza-
12 tion mission in Afghanistan and the military
13 campaign plan of the Commander of the Inter-
14 national Security and Assistance Force; and

15 (B) any limitation on force levels that may
16 be in effect.

17 (e) WAIVER.—The President may waive the prohibi-
18 tion under subsection (c) and the requirement under sub-
19 section (d) if the President submits to Congress a certifi-
20 cation in writing that—

21 (1) the use of private security contractors or
22 the Afghan Public Protection Force can provide a
23 level of security and force protection for members of
24 the Armed Forces deployed to Afghanistan that is at
25 least equal to the security and force protection that

1 can be provided by members of the Armed Forces;
2 and

3 (2) the Secretary of Defense has ensured that
4 all employees of private security contractors and
5 members of the Afghan Public Protection Force pro-
6 viding security or force protection for members of
7 the Armed Forces deployed to Afghanistan are inde-
8 pendently screened and vetted by members of the
9 Armed Forces of the United States.

10 (f) REPORT.—

11 (1) IN GENERAL.—Not later than 30 days after
12 the end of each quarter of fiscal years 2013 and
13 2014, the Secretary of Defense shall submit to the
14 congressional defense committees a report on the fol-
15 lowing:

16 (A) Data on attempted and successful at-
17 tacks by the Afghan National Security Forces,
18 the Afghan Public Protection Force, and pri-
19 vate security contractors on United States
20 Armed Forces and civilian personnel of the De-
21 partment of Defense.

22 (B) The number of members of the United
23 States Armed Forces and civilian personnel of
24 the Department of Defense wounded or killed
25 due to such attacks.

1 (C) A description of tactical or covert
2 methods used in such attacks and a description
3 of motivations for such attacks.

4 (2) ADDITIONAL INFORMATION.—The first re-
5 port submitted following the date of the enactment
6 of this Act and the report submitted for the first
7 quarter of fiscal year 2014 shall also include the fol-
8 lowing:

9 (A) Actions the Department of Defense is
10 taking to monitor indicators and early warning
11 signs of infiltration or co-option of the Afghan
12 National Security Forces, the Afghan Public
13 Protection Force, and private security contrac-
14 tors.

15 (B) The methodology and systematic ap-
16 proach to resolving disputes between the Af-
17 ghan National Security Forces and United
18 States Armed Forces and civilian personnel of
19 the Department of Defense when such disputes
20 arise.

21 (g) DEFINITION.—In this section, the term “mem-
22 bers of the Armed Forces deployed to Afghanistan” means
23 members of the Armed Forces deployed to Afghanistan
24 in support of the International Security Assistance Force
25 in Afghanistan and members of the Armed Forces of the

1 United States deployed to Afghanistan in support of Oper-
2 ation Enduring Freedom.

3 **SEC. 1215. REPORT ON UPDATES AND MODIFICATIONS TO**
4 **CAMPAIGN PLAN FOR AFGHANISTAN.**

5 (a) REPORT REQUIRED.—Not later than 180 days
6 after the date on which any substantial update or modi-
7 fication is made to the campaign plan for Afghanistan (in-
8 cluding the supporting and implementing documents for
9 such plan), the Comptroller General of the United States
10 shall submit to the congressional defense committees a re-
11 port on the updated or modified plan, including an assess-
12 ment of the updated or modified plan.

13 (b) EXCEPTION.—The requirement to submit a re-
14 port under subsection (a) on any substantial update or
15 modification to the campaign plan for Afghanistan shall
16 not apply if the Comptroller General—

17 (1) determines that a report submitted to Con-
18 gress by the Comptroller General before the date of
19 the enactment of this Act substantially meets the re-
20 quirement to submit the report under subsection (a);
21 and

22 (2) notifies the congressional defense commit-
23 tees in writing of the determination under paragraph
24 (1).

1 (c) TERMINATION.—The requirement to submit a re-
2 port under subsection (a) on any substantial update or
3 modification to the campaign plan for Afghanistan shall
4 terminate on September 30, 2014.

5 (d) REPEAL.—Section 1226 of the National Defense
6 Authorization Act for Fiscal Year 2010 (Public Law 111–
7 84; 123 Stat. 2525) is repealed.

8 **SEC. 1216. UNITED STATES MILITARY SUPPORT IN AFGHAN-**
9 **ISTAN.**

10 (a) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that—

12 (1) following Al Qaeda’s attacks on the United
13 States on September 11, 2001, United States and
14 coalition forces have achieved significant progress to-
15 ward security and stability in Afghanistan;

16 (2) as the United States completes transfer of
17 the lead for security to the Afghan National Security
18 Forces by the end of 2014, the United States should
19 ensure that the gains in security are maintained;

20 (3) the United States mission in Afghanistan
21 continues to be to disrupt, dismantle, and defeat al
22 Qaeda, as well as to prevent its return to either Af-
23 ghanistan or Pakistan;

24 (4) the specific objectives in Afghanistan are to
25 deny safe haven to Al Qaeda and to deny the

1 Taliban the ability to overthrow the Afghan Govern-
2 ment;

3 (5) the Taliban, Haqqanis, and associated in-
4 surgents continue to enjoy safe havens in Pakistan,
5 but are unlikely to be capable of overthrowing the
6 Afghan Government unless the United States with-
7 draws forces precipitously from Afghanistan;

8 (6) the Haqqani Network provides unique capa-
9 bilities and capacity to the Afghan Taliban, and ad-
10 ditionally, serves as a combat multiplier to the Af-
11 ghan insurgency due to its geographic primacy over
12 the key terrain of the Paktika, Paktia, and Khost
13 provinces, as well as North and South Waziristan,
14 and willingness to introduce international weaponry
15 and technology into the battle space and serve as the
16 reception point and integrator of international for-
17 eign fighters into the Afghan insurgency;

18 (7) the Haqqani Network has been the most
19 important Afghan-based protector of Al Qaeda;

20 (8) the unique capabilities and effects brought
21 to the battle space by the Haqqani Network neces-
22 sitate that the Government of Afghanistan should
23 have superior operational capacity in order to main-
24 tain the security of Afghanistan over time;

1 (9) the United States military should not main-
2 tain an indefinite combat mission in Afghanistan
3 and should transition to a counter-terrorism and ad-
4 vise and assist mission at the earliest practicable
5 date, consistent with conditions on the ground;

6 (10) significant uncertainty exists within Af-
7 ghanistan regarding the level of future United
8 States military support; and

9 (11) in order to reduce this uncertainty, and to
10 promote further stability and security in Afghani-
11 stan, the President should—

12 (A) fully consider the International Secu-
13 rity Assistance Force Commander’s assessment
14 regarding the need for the United States to
15 maintain a “significant combat presence
16 through 2013”;

17 (B) maintain a force of at least 68,000
18 troops through December 31, 2014, unless
19 fewer forces can achieve United States objec-
20 tives;

21 (C) maintain a credible troop presence
22 after December 31, 2014, sufficient to conduct
23 counter-terrorism and train and advise the Af-
24 ghan National Security Forces, consistent with

1 the Strategic Partnership Agreement (signed on
2 May 2, 2012); and

3 (D) maintain sufficient funding for the Af-
4 ghan National Security Forces to accomplish
5 the objectives described in paragraphs (3), (4),
6 and (8).

7 (b) NOTIFICATION.—The President shall notify the
8 congressional defense committees of any decision to reduce
9 the number of United States Armed Forces deployed in
10 Afghanistan below the number of such Armed Forces de-
11 ployed in Afghanistan on—

12 (1) December 31, 2012;

13 (2) December 31, 2013; and

14 (3) December 31, 2014,

15 prior to any public announcement of any such decision to
16 reduce the number of United States Armed Forces de-
17 ployed in Afghanistan.

18 (c) MATTERS TO INCLUDE IN NOTIFICATION.—As
19 part of a notification required by subsection (b), the Presi-
20 dent shall—

21 (1) provide an assessment of the relevant secu-
22 rity risk metrics associated with the marginal reduc-
23 tion in force levels; and

24 (2) provide a by-unit assessment of the oper-
25 ational capability of the Afghan National Security

1 Forces to independently conduct the required oper-
2 ations to maintain security in Afghanistan.

3 **SEC. 1217. EXTENSION AND MODIFICATION OF PAKISTAN**
4 **COUNTERINSURGENCY FUND.**

5 (a) IN GENERAL.—Section 1224(h) of the National
6 Defense Authorization Act for Fiscal Year 2010 (Public
7 Law 111–84; 123 Stat. 2521), as most recently amended
8 by section 1220 of the National Defense Authorization Act
9 for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
10 1633), is further amended by striking “September 30,
11 2012” both places it appears and inserting “September
12 30, 2013”.

13 (b) LIMITATION ON FUNDS SUBJECT TO REPORT
14 AND UPDATES.—Section 1220(b) of the National Defense
15 Authorization Act for Fiscal Year 2012 (Public Law 112–
16 81; 125 Stat. 1633) is amended—

17 (1) in the heading of paragraph (1), by insert-
18 ing “FOR FISCAL YEAR 2012” after “FUNDS”;

19 (2) by redesignating paragraphs (2), (3), and
20 (4) as paragraphs (3), (4), and (5), respectively;

21 (3) by inserting after paragraph (1) the fol-
22 lowing:

23 “(2) LIMITATION ON FUNDS FOR FISCAL YEAR
24 2013; REPORT REQUIRED.—Of the amounts appro-
25 priated or transferred to the Fund for fiscal year

1 2013, not more than 10 percent of such amounts
2 may be obligated or expended until 30 days after the
3 date on which the Secretary of Defense, with the
4 concurrence of the Secretary of State, submits to the
5 appropriate congressional committees an update of
6 the report required under paragraph (1).”;

7 (4) in paragraph (3) (as redesignated)—

8 (A) by inserting “after fiscal year 2013”
9 after “any fiscal year”;

10 (B) by striking “requested to be”; and

11 (C) by striking “at the same time that the
12 President’s budget is submitted pursuant to
13 section 1105(a) of title 31, United States
14 Code” and inserting “not later than 45 days be-
15 fore amounts in the Fund are made available to
16 the Secretary of Defense”; and

17 (5) in paragraph (4) (as redesignated), by strik-
18 ing “the update required under paragraph (2)” and
19 inserting “the updates required under paragraphs
20 (2) and (3)”.

21 **SEC. 1218. MODIFICATION OF REPORT ON PROGRESS TO-**
22 **WARD SECURITY AND STABILITY IN AFGHAN-**
23 **ISTAN.**

24 (a) IN GENERAL.—Section 1230 of the National De-
25 fense Authorization Act for Fiscal Year 2008 (Public Law

1 110–181; 122 Stat. 385), as most recently amended by
2 section 1218(a) of the National Defense Authorization Act
3 for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
4 1632), is further amended—

5 (1) by redesignating subsections (e), (f), and
6 (g) as subsections (f), (g), and (h), respectively; and

7 (2) by inserting after subsection (d) the fol-
8 lowing:

9 “(e) ADDITIONAL MATTERS TO BE INCLUDED ON
10 AFGHANISTAN NATIONAL SECURITY FORCES.—In report-
11 ing on performance indicators and measures of progress
12 required under subsection (d)(2)(D), the report required
13 under subsection (a) shall assess the following:

14 “(1) For overall Afghanistan National Security
15 Forces (ANSF):

16 “(A) Overall Afghan National Army
17 (ANA) and Afghan National Police (ANP) lit-
18 eracy rate; ANA and ANP literacy rate by re-
19 gion; ANSF literacy rate by Kandak, Brigade,
20 and Corps; trends over time; and how literacy
21 improvements have enhanced associated mission
22 essential competencies and professionalization
23 of the ANSF.

24 “(B) An assessment of the ANA and the
25 ANP interaction with the Afghan civilian popu-

1 lation, respect for human rights, and associated
2 professional education.

3 “(C) By fiscal year (current and one-year
4 projected) budget requirements.

5 “(D) A by-country outline of contributions
6 for the current fiscal year and one-year pro-
7 jected fiscal year.

8 “(E) By-Kandak Mission Essential Task
9 List proficiency.

10 “(2) For recruitment:

11 “(A) Outline of screening criteria.

12 “(B) Literacy rate of all recruits.

13 “(C) Outline of the security vetting proce-
14 dures.

15 “(D) Percentage screened that are not eli-
16 gible to serve.

17 “(E) Percentage screened that report for
18 entry level training.

19 “(F) Percentage attained of the required
20 ANA end strength, of the ANP end strength,
21 and overall ANSF end strength.

22 “(G) Trends in each above mentioned cat-
23 egory from the prior fiscal year through the
24 current report deadline.

25 “(3) For entry-level training:

1 “(A) Percentage that entered and success-
2 fully complete training.

3 “(B) A by-specialty list of all recruits that
4 fail to graduate entry level training for the
5 ANA and ANP.

6 “(C) Percentage of recruits that become
7 unaccounted (UA) for or are ‘Absent Without
8 Leave’ (AWOL) during training.

9 “(D) Trends in each above mentioned cat-
10 egory from the prior fiscal year through the
11 current report deadline.

12 “(4) For personnel administration:

13 “(A) Percentage of the ANSF that was
14 paid on time.

15 “(B) UA/AWOL rate by Kandak, Brigade,
16 and Corps.

17 “(C) Trends in each above mentioned cat-
18 egory from the prior fiscal year through the
19 current report deadline.

20 “(5) For professionalization of the ANSF:

21 “(A) Percentage of noncommissioned offi-
22 cer corps personnel as compared to noncommis-
23 sioned officer corps end-strength requirements.

1 “(B) Number of enlisted, noncommissioned
2 officer corps, and officers that complete con-
3 tinuing education.

4 “(C) An assessment of the noncommis-
5 sioned officer corps continuing education pro-
6 gram.

7 “(6) For retention:

8 “(A) On average time ANA and ANP per-
9 sonnel remain in their respective units.

10 “(B) By-fiscal year, by-Kandak percentage
11 of personnel retained and personnel attrition
12 from the prior fiscal year through the current
13 report deadline.

14 “(7) For logistics:

15 “(A) On average percentage shortfall, by
16 Kandak, of Class I-IX supplies, which includes
17 Class I - Food, rations, and water; Class II -
18 Clothing; Class III - Petroleum, oils, and lubri-
19 cants; Class IV - Fortification and barrier ma-
20 terials; Class V - Ammunition; Class VII -
21 Major End Items; Class VIII - Medical sup-
22 plies; and Class IX - Repair Parts.

23 “(B) On average number of days to fill
24 supply requests to address operational short-
25 falls.

1 “(C) Operational readiness rate for all mis-
2 sion essential equipment by Kandak, Brigade,
3 and Corps.

4 “(8) For transition:

5 “(A) Provide the framework that ISAF, in
6 conjunction with the Afghan government, uses
7 to synthesize ANSF performance metrics and
8 adjudicate transition of ANSF units through
9 proficiency levels.

10 “(B) A by-Kandak analysis of the on aver-
11 age time to transition between proficiency levels
12 since inception of the ANSF transition.

13 “(C) A by-region overview of the force
14 structure mix that is correlated with the evo-
15 lution of threat picture in the region.”.

16 (b) EFFECTIVE DATE.—The amendments made this
17 section apply with respect to any report required to be
18 submitted under section 1230 of the National Defense Au-
19 thorization Act for Fiscal Year 2008 (Public Law 110–
20 181; 122 Stat. 385) on or after the date of the enactment
21 of this Act.

22 **SEC. 1219. LIMITATION ON USE OF FUNDS UNDER THE**
23 **PAKISTAN COUNTERINSURGENCY FUND.**

24 (a) LIMITATION.—None of the funds authorized to
25 be appropriated by this Act for the Pakistan Counter-

1 insurgency Fund may be used to provide assistance to the
2 Government of Pakistan until the Secretary of Defense,
3 in consultation with the Secretary of State, certifies to the
4 appropriate congressional committees that the Govern-
5 ment of Pakistan is demonstrating a continuing commit-
6 ment to and is making significant efforts toward the im-
7 plementation of a strategy to counter improvised explosive
8 devices (IEDs), including—

9 (1) attacking IED networks;

10 (2) monitoring known precursors used in IEDs;

11 and

12 (3) developing a strict protocol for the manufac-
13 ture of explosive materials, including calcium ammo-
14 nium nitrate, and accessories and their supply to le-
15 gitimate end users.

16 (b) WAIVER.—The Secretary of Defense, in consulta-
17 tion with the Secretary of State, may waive the require-
18 ments of subsection (a) if the Secretary determines it is
19 in the national security interest of the United States to
20 do so.

21 (c) DEFINITION.—In this section, the term “appro-
22 priate congressional committees” means—

23 (1) the congressional defense committees; and

1 (2) the Committee on Foreign Relations of the
2 Senate and the Committee on Foreign Affairs of the
3 House of Representatives.

4 **Subtitle C—Matters Relating to**
5 **Iran**

6 **SEC. 1221. DECLARATION OF POLICY.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

9 (1) Iran, which has long sought to foment in-
10 stability and promote extremism in the Middle East,
11 is now seeking to exploit the dramatic political tran-
12 sition underway in the region to undermine govern-
13 ments traditionally aligned with the United States
14 and support extremist political movements in these
15 countries.

16 (2) At the same time, Iran may soon attain a
17 nuclear weapons capability, a development that
18 would threaten United States interests, destabilize
19 the region, encourage regional nuclear proliferation,
20 further empower and embolden Iran, the world's
21 leading state sponsor of terrorism, and provide it the
22 tools to threaten its neighbors, including Israel.

23 (3) With the assistance of Iran over the past
24 several years, Syria, Hezbollah, and Hamas have in-
25 creased their stockpiles of rockets, with more than

1 60,000 rockets now ready to be fired at Israel. Iran
2 continues to add to its arsenal of ballistic missiles
3 and cruise missiles, which threaten Iran's neighbors,
4 Israel, and United States Armed Forces in the re-
5 gion.

6 (4) Preventing Iran from acquiring a nuclear
7 weapon is among the most urgent national security
8 challenges facing the United States.

9 (5) Successive United States administrations
10 have stated that an Iran armed with a nuclear weap-
11 on is unacceptable.

12 (6) President Obama stated on January 24,
13 2012, "Let there be no doubt: America is deter-
14 mined to prevent Iran from getting a nuclear weap-
15 on, and I will take no options off the table to achieve
16 that goal."

17 (7) In order to prevent Iran from developing
18 nuclear weapons, the United States, in cooperation
19 with its allies, must utilize all elements of national
20 power including diplomacy, robust economic sanc-
21 tions, and credible, visible preparations for a mili-
22 tary option.

23 (8) Nevertheless, to date, diplomatic overtures,
24 sanctions, and other non-kinetic actions toward Iran

1 have not caused the Government of Iran to abandon
2 its nuclear weapons program.

3 (9) With the impact of additional sanctions un-
4 certain, additional pressure on the Government of
5 Iran could come from the credible threat of military
6 action against Iran's nuclear program.

7 (b) DECLARATION OF POLICY.—It shall be the policy
8 of the United States to take all necessary measures, in-
9 cluding military action if required, to prevent Iran from
10 threatening the United States, its allies, or Iran's neigh-
11 bors with a nuclear weapon.

12 **SEC. 1222. UNITED STATES MILITARY PREPAREDNESS IN**
13 **THE MIDDLE EAST.**

14 (a) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that—

16 (1) military exercises conducted in the Persian
17 Gulf and Gulf of Oman emphasize the United States
18 resolve and the policy of the United States described
19 in section 1221(b) by enhancing the readiness of the
20 United States military and allied forces, as well as
21 signaling to the Government of Iran the commitment
22 of the United States to defend its vital national se-
23 curity interests; and

24 (2) the President, as Commander in Chief,
25 should augment the presence of the United States

1 Fifth Fleet in the Middle East and to conduct mili-
2 tary deployments, exercises, or other visible, concrete
3 military readiness activities to underscore the policy
4 of the United States described in section 1221(b).

5 (b) PLAN.—

6 (1) IN GENERAL.—The Secretary of Defense
7 shall prepare a plan to augment the presence of the
8 United States Fifth Fleet in the Middle East and to
9 conduct military deployments, exercises, or other
10 visible, concrete military readiness activities to un-
11 derscore the policy of the United States described in
12 section 1221(b).

13 (2) MATTERS TO BE INCLUDED.—The plan re-
14 quired under paragraph (1) shall include, at a min-
15 imum, steps necessary for the Armed Forces to sup-
16 port the policy of the United States described in sec-
17 tion 1221(b), including—

18 (A) pre-positioning sufficient supplies of
19 aircraft, munitions, fuel, and other materials
20 for both air- and sea-based missions at key for-
21 ward locations in the Middle East and Indian
22 Ocean;

23 (B) maintaining sufficient naval assets in
24 the region necessary to signal United States re-
25 solve and to bolster United States capabilities

1 to launch a sustained sea and air campaign
2 against a range of Iranian nuclear and military
3 targets, to protect seaborne shipping, and to
4 deny Iranian retaliation against United States
5 interests in the region;

6 (C) discussing the viability of deploying at
7 least two United States aircraft carriers, an ad-
8 ditional large deck amphibious ship, and a Mine
9 Countermeasures Squadron in the region on a
10 continual basis, in support of the actions de-
11 scribed in subparagraph (B); and

12 (D) conducting naval fleet exercises similar
13 to the United States Fifth Fleet's major exer-
14 cise in the region in March 2007 to dem-
15 onstrate ability to keep the Strait of Hormuz
16 open and to counter the use of anti-ship mis-
17 siles and swarming high-speed boats.

18 (3) SUBMISSION TO CONGRESS.—The plan re-
19 quired under paragraph (1) shall be submitted to
20 the congressional defense committees not later than
21 120 days after the date of enactment of this Act.

22 **SEC. 1223. ANNUAL REPORT ON MILITARY POWER OF IRAN.**

23 (a) IN GENERAL.—Section 1245 of the National De-
24 fense Authorization Act for Fiscal Year 2010 (Public Law
25 111–84; 123 Stat. 2542) is amended—

1 (1) by redesignating subsections (c) and (d) as
2 subsections (d) and (e), respectively; and

3 (2) by inserting after subsection (b) the fol-
4 lowing:

5 “(c) COMBATANT COMMANDER ASSESSMENT.—The
6 report required under subsection (a) shall include an
7 annex, in classified or unclassified form, that includes an
8 identification and assessment of the Commander of the
9 United States Central Command on the following:

10 “(1) Any critical gaps in intelligence that limit
11 the ability of the Commander to counter threats
12 emanating from Iran.

13 “(2) Any gaps in the capabilities, capacity, and
14 authorities of the Commander to counter Iranian
15 threats to United States Armed Forces and United
16 States interests in the region.

17 “(3) Any gaps in the capabilities and capacity
18 of the Commander to take military action against
19 Iran to prevent Iran from developing a nuclear
20 weapon.

21 “(4) Any other matters the Commander con-
22 siders to be relevant.”.

23 (b) EFFECTIVE DATE.—The amendments made by
24 subsection (a) take effect on the date of the enactment
25 of this Act and apply with respect to each report required

1 to be submitted under section 1245 of the National De-
2 fense Authorization Act for Fiscal Year 2010 on or after
3 such date of enactment.

4 **SEC. 1224. ENHANCING THE DEFENSE OF ISRAEL AND**
5 **UNITED STATES INTERESTS IN THE MIDDLE**
6 **EAST.**

7 (a) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that the United States should take the following ac-
9 tions to assist in the defense of Israel:

10 (1) Provide Israel such support as may be nec-
11 essary to increase development and production of
12 joint missile defense systems, particularly such sys-
13 tems that defend the urgent threat posed to Israel
14 and United States forces in the region.

15 (2) Provide Israel defense articles, intelligence,
16 and defense services through such mechanisms as
17 appropriate, to include air refueling tankers, missile
18 defense capabilities, and specialized munitions.

19 (3) Allocate additional weaponry and munitions
20 for the forward-deployed United States stockpile in
21 Israel.

22 (4) Provide Israel additional surplus defense ar-
23 ticles and defense services, as appropriate, in the
24 wake of the withdrawal of United States forces from
25 Iraq.

1 (5) Offer the Israeli Air Force additional train-
2 ing and exercise opportunities in the United States
3 to compensate for Israel's limited air space.

4 (6) Expand Israel's authority to make pur-
5 chases under section 23 of the Arms Export Control
6 Act (relating to the "Foreign Military Financing"
7 program) on a commercial basis.

8 (7) Seek to enhance the capabilities of the
9 United States and Israel to address emerging com-
10 mon threats, increase security cooperation, and ex-
11 pand joint military exercises.

12 (8) Encourage an expanded role for Israel with-
13 in the North Atlantic Treaty Organization (NATO),
14 including an enhanced presence at NATO head-
15 quarters and exercises.

16 (9) Support extension of the long-standing loan
17 guarantee program for Israel, recognizing Israel's
18 unbroken record of repaying its loans on time and
19 in full.

20 (10) Expand already-close intelligence coopera-
21 tion, including satellite intelligence, with Israel.

22 (b) REPORT ON ISRAEL'S QUALITATIVE MILITARY
23 EDGE.—

24 (1) STATEMENT OF POLICY.—It is the policy of
25 the United States—

1 (A) to help Israel preserve its qualitative
2 military edge amid rapid and uncertain regional
3 political transformation; and

4 (B) to encourage further development of
5 advanced technology programs between the
6 United States and Israel in light of current
7 trends and instability in the region.

8 (2) REPORT.—Not later than 180 days after
9 the date of the enactment of this Act, the President
10 shall submit to the appropriate congressional com-
11 mittees a report on the status of Israel’s qualitative
12 military edge in light of current trends and insta-
13 bility in the region.

14 (c) REPORT ON OTHER MATTERS.—Not later than
15 180 days after the date of the enactment of this Act, the
16 President shall submit to the appropriate congressional
17 committees a report on each of the following:

18 (1) Taking into account Israel’s urgent require-
19 ment for F–35 aircraft, actions to improve the proc-
20 ess relating to Israel’s purchase of F–35 aircraft to
21 improve cost efficiency and timely delivery.

22 (2) Efforts to expand cooperation between the
23 United States and Israel in homeland defense,
24 counter-terrorism, maritime security, cybersecurity,
25 and other appropriate areas.

1 (3) Actions to integrate Israel into the defense
2 of the Eastern Mediterranean.

3 **SEC. 1225. PLAN TO ENHANCE MILITARY CAPABILITIES OF**
4 **PERSIAN GULF ALLIES.**

5 (a) PLAN.—The Secretary of Defense, in consultation
6 with the Secretary of State, shall develop a plan to en-
7 hance the military capabilities of Persian Gulf allies to bol-
8 ster the posture of such allies in relation to Iran.

9 (b) MATTERS TO BE INCLUDED.—The plan required
10 under subsection (a) shall include the following:

11 (1) A description of the means to augment the
12 offensive strike capabilities of key Gulf Cooperation
13 Council allies, including the potential sale or up-
14 grades of strike attack aircraft and bunker buster
15 munitions, to augment the viability of a credible
16 military option and to strengthen such allies' self-de-
17 fense capabilities against retaliation or military ag-
18 gression by Iran.

19 (2) A needs-based assessment, or an update to
20 an existing needs-based assessment, of the military
21 requirements of Persian Gulf allies to support a
22 credible military option and to defend against poten-
23 tial military aggression by Iran.

24 (3) A detailed summary of any arms sales and
25 training requests by Persian Gulf allies and a de-

1 United States on Caspian Sea security and energy
2 issues.

3 (b) POLICY.—It shall be the policy of the United
4 States to—

5 (1) increase pressure on Iran by providing
6 United States Armed Forces with the broadest set
7 of geographic approaches to militarily access Iran;
8 and

9 (2) explore means to enhance access to military
10 facilities on the northern border of Iran.

11 (c) PLAN.—

12 (1) IN GENERAL.—The Secretary of Defense, in
13 consultation with the Secretary of State, shall de-
14 velop a plan to increase the strategic partnership
15 with regional allies to provide United States Armed
16 Forces with the broadest set of geographic ap-
17 proaches to militarily access Iran.

18 (2) MATTERS TO BE INCLUDED.—The plan re-
19 quired under paragraph (1) shall include the fol-
20 lowing information:

21 (A) Mechanisms to broaden the geo-
22 graphical approaches to militarily access Iran.

23 (B) The need, if any, to strengthen the
24 self-defense capabilities of regional allies as a
25 result of such partnerships.

1 (C) The viability of increasing access for
2 United States Armed Forces to bases in Azer-
3 baijan to augment the viability of a credible
4 military option.

5 (3) SUBMISSION TO CONGRESS.—The plan re-
6 quired under paragraph (1) shall be submitted to
7 the appropriate congressional committees not later
8 than 180 days after the date of the enactment of
9 this Act.

10 **SEC. 1227. DEFINITIONS.**

11 In this subtitle:

12 (1) APPROPRIATE CONGRESSIONAL COMMIT-
13 TEES.—The term “appropriate congressional com-
14 mittees” means—

15 (A) the Committee on Appropriations, the
16 Committee on Armed Services, and the Com-
17 mittee on Foreign Affairs of the House of Rep-
18 resentatives; and

19 (B) the Committee on Appropriations, the
20 Committee on Armed Services, and the Com-
21 mittee on Foreign Relations of the Senate.

22 (2) QUALITATIVE MILITARY EDGE.—The term
23 “qualitative military edge” has the meaning given
24 the term in section 36(h)(2) of the Arms Export
25 Control Act (22 U.S.C. 2776(h)(2)).

1 **SEC. 1228. RULE OF CONSTRUCTION.**

2 Nothing in this Act shall be construed as authorizing
3 the use of force against Iran.

4 **Subtitle D—Reports and Other**
5 **Matters**

6 **SEC. 1231. ANNUAL REPORT ON MILITARY AND SECURITY**
7 **DEVELOPMENTS INVOLVING THE PEOPLE’S**
8 **REPUBLIC OF CHINA.**

9 (a) IN GENERAL.—Subsection (b) of section 1202 of
10 the National Defense Authorization Act for Fiscal Year
11 2000 (Public Law 106–65; 113 Stat. 781; 10 U.S.C. 113
12 note), as most recently amended by section 1238 of the
13 National Defense Authorization Act for Fiscal Year 2012
14 (Public Law 112–81; 125 Stat. 1642), is further amend-
15 ed—

16 (1) by redesignating paragraphs (10), (11), and
17 (12) as paragraphs (12), (13), and (14), respec-
18 tively; and

19 (2) by inserting after paragraph (9) the fol-
20 lowing:

21 “(10) The strategy, goals, and capabilities of
22 Chinese space programs, including trends, global
23 and regional activities, the involvement of military
24 and civilian organizations, including state-owned en-
25 terprises, academic institutions, and commercial en-
26 tities, and efforts to develop, acquire, or gain access

1 to advanced technologies that would enhance Chi-
2 nese military capabilities.

3 “(11) The strategy, goals, and capabilities of
4 Chinese cyber activities, including trends, global and
5 regional activities, the involvement of military and
6 civilian organizations, including state-owned enter-
7 prises, academic institutions, and commercial enti-
8 ties. Relevant analyses and forecasts shall con-
9 sider—

10 “(A) Chinese cyber activities directed
11 against the Department of Defense;

12 “(B) potential harms that may affect De-
13 partment of Defense communications, com-
14 puters, networks, systems, or other military as-
15 sets as a result of a cyber attack; and

16 “(C) any other developments regarding
17 Chinese cyber activities that the Secretary of
18 Defense determines are relevant to the national
19 security of the United States.”.

20 (b) COMBATANT COMMANDER ASSESSMENT.—Such
21 section is further amended—

22 (1) by redesignating subsections (c) and (d) as
23 subsections (d) and (e), respectively; and

24 (2) by inserting after subsection (b) the fol-
25 lowing:

1 “(c) COMBATANT COMMANDER ASSESSMENT.—The
2 report required under subsection (a) shall include an
3 annex, in classified or unclassified form, that includes an
4 identification and assessment of the Commander of the
5 United States Pacific Command on the following:

6 “(1) Any gaps in intelligence that limit the abil-
7 ity of the Commander to address challenges posed
8 by the People’s Republic of China.

9 “(2) Any gaps in the capabilities, capacity, and
10 authorities of the Commander to address challenges
11 posed by the People’s Republic of China to United
12 States Armed Forces and United States interests in
13 the region.

14 “(3) Any other matters the Commander con-
15 siders to be relevant.”.

16 (c) EFFECTIVE DATE.—The amendments made by
17 subsections (a) and (b) take effect on the date of the en-
18 actment of this Act and apply with respect to each report
19 required to be submitted under section 1202 of the Na-
20 tional Defense Authorization Act for Fiscal Year 2000 on
21 or after such date of enactment.

1 **SEC. 1232. REPORT ON MILITARY AND SECURITY DEVELOP-**
2 **MENTS INVOLVING THE DEMOCRATIC PEO-**
3 **PLE'S REPUBLIC OF KOREA.**

4 (a) **ADDITIONAL REPORT.**—Subsection (a) of section
5 1236 of the National Defense Authorization Act for Fiscal
6 Year 2012 (Public Law 112–81; 125 Stat. 1641) is
7 amended by inserting after “November 1, 2012,” the fol-
8 lowing: “and November 1, 2013,”.

9 (b) **COMBATANT COMMANDER ASSESSMENT.**—Such
10 section is further amended—

11 (1) by redesignating subsection (c) as sub-
12 section (d); and

13 (2) by inserting after subsection (b) the fol-
14 lowing:

15 “(c) **COMBATANT COMMANDER ASSESSMENT.**—The
16 report required under subsection (a) shall include an
17 annex, in classified or unclassified form, that includes an
18 identification and assessment of the Commander of the
19 United States Pacific Command on the following:

20 “(1) Any gaps in intelligence that limit the abil-
21 ity of the Commander to counter threats emanating
22 from North Korea.

23 “(2) Any gaps in the capabilities, capacity, and
24 authorities of the Commander to counter North Ko-
25 rean threats to United States Armed Forces and
26 United States interests in the region.

1 “(3) Any other matters the Commander con-
2 siders to be relevant.”.

3 **SEC. 1233. REPORT ON HOST NATION SUPPORT FOR OVER-**
4 **SEAS UNITED STATES MILITARY INSTALLA-**
5 **TIONS AND UNITED STATES ARMED FORCES**
6 **DEPLOYED IN COUNTRY.**

7 (a) REPORT REQUIRED.—

8 (1) IN GENERAL.—Not later than March 1 of
9 each year from 2013 through 2015, the Secretary of
10 Defense, in consultation with the Secretary of State,
11 shall submit to the appropriate congressional com-
12 mittees a report on the direct, indirect, and burden-
13 sharing contributions made by host nations to sup-
14 port United States Armed Forces deployed in coun-
15 try.

16 (2) ELEMENTS.—The report required by para-
17 graph (1) shall include at least the following:

18 (A) The methodology and accounting pro-
19 cedures used to measure and track direct, indi-
20 rect, and burden-sharing contributions made by
21 host nations.

22 (B) The stationing costs, paid by the host
23 nation, associated with United States Armed
24 Forces stationed outside the territory of the
25 United States in that nation.

1 (C) A description of direct, indirect, and
2 burden-sharing contributions by host nation, in-
3 cluding the following:

4 (i) Contributions accepted for the fol-
5 lowing costs:

6 (I) Compensation for local na-
7 tional employees of the Department of
8 Defense.

9 (II) Military construction
10 projects of the Department of De-
11 fense, including design, procurement,
12 construction management costs, rents
13 on privately-owned land, facilities,
14 labor, utilities and vicinity improve-
15 ments.

16 (III) Other costs such as loan
17 guarantees on public-private venture
18 housing and payment-in-kind for fa-
19 cilities returned to the host nation.

20 (ii) Contributions accepted for any
21 other purpose.

22 (b) FORM.—The report required by subsection (a)
23 shall be submitted in unclassified form, but may include
24 a classified annex if necessary.

25 (c) DEFINITIONS.—In this section:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the congressional defense committees;
5 and

6 (B) the Committee on Foreign Relations of
7 the Senate and the Committee on Foreign Af-
8 fairs of the House of Representatives.

9 (2) HOST NATION.—The term “host nation”
10 means any country that hosts a permanent or tem-
11 porary United States military installation or a per-
12 manent or rotational deployment of United State
13 Armed Forces located outside of the borders of the
14 United States.

15 (3) CONTRIBUTIONS.—The term “contribu-
16 tions” means cash and in-kind contributions made
17 by a host nation that replace expenditures that
18 would otherwise be made by the Secretary of De-
19 fense using funds appropriated or otherwise made
20 available in defense appropriations Acts.

21 **SEC. 1234. NATO SPECIAL OPERATIONS HEADQUARTERS.**

22 (a) IN GENERAL.—Section 1244(a) of the National
23 Defense Authorization Act for Fiscal Year 2010 (Public
24 Law 111–84; 123 Stat. 2541), as amended by section
25 1242 of the Ike Skelton National Defense Authorization

1 Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat.
2 4405), is further amended by striking “fiscal year 2011”
3 and inserting “fiscal year 2013”.

4 (b) LIMITATION.—Of the funds authorized to be ap-
5 propriated by this Act or otherwise made available for fis-
6 cal year 2013 for the NATO Special Operations Head-
7 quarters, not more than 50 percent may be obligated or
8 expended until the date that is 30 days after the date on
9 which the Secretary of Defense finalizes and formalizes
10 United States Special Operations Command as the execu-
11 tive agent and lead component for the NATO Special Op-
12 erations Headquarters.

13 **SEC. 1235. REPORTS ON EXPORTS OF MISSILE DEFENSE**
14 **TECHNOLOGY TO CERTAIN COUNTRIES.**

15 (a) REPORTS.—Not later than 180 days after the
16 date of the enactment of this Act, and each year thereafter
17 through 2015, the Secretary of Defense shall submit to
18 the appropriate congressional committees a report on the
19 following:

20 (1) A description of the types of assistance, in-
21 cluding assistance relating to missile defense, pro-
22 vided by the Department of Defense to foreign coun-
23 tries that export space, counter-space, and ballistic
24 missile equipment, material, and technologies that

1 could be used in other countries' space, counter-
2 space, and ballistic missile programs.

3 (2) A description of such exports to countries
4 with space, counter-space, and ballistic missile pro-
5 grams, including a description of specific tech-
6 nologies that are exported to such countries.

7 (b) APPROPRIATE CONGRESSIONAL COMMITTEES
8 DEFINED.—In this section, the term “appropriate con-
9 gressional committees” means—

10 (1) the congressional defense committees; and

11 (2) the Committee of Foreign Relations of the
12 Senate and the Committee on Foreign Affairs of the
13 House of Representatives.

14 **SEC. 1236. LIMITATION ON FUNDS TO PROVIDE THE RUS-**
15 **SIAN FEDERATION WITH ACCESS TO MISSILE**
16 **DEFENSE TECHNOLOGY.**

17 (a) LIMITATION ON FUNDS FOR CLASSIFIED TECH-
18 NOLOGY AND DATA.—

19 (1) IN GENERAL.—None of the funds made
20 available for fiscal years 2012 or 2013 for the De-
21 partment of Defense may be used to provide the
22 Russian Federation with access to information that
23 is classified or was classified as of January 2, 2012,
24 regarding—

1 (A) missile defense technology of the
2 United States, including hit-to-kill technology;
3 or

4 (B) data, including sensitive technical
5 data, warning, detection, tracking, targeting, te-
6 lemetry, command and control, and battle man-
7 agement data, that support the missile defense
8 capabilities of the United States.

9 (2) APPLICABILITY.—The limitation in para-
10 graph (1) shall apply with respect to the use of
11 funds on or after the date of the enactment of this
12 Act.

13 (b) LIMITATION ON FUNDS FOR OTHER TECH-
14 NOLOGY AND DATA.—

15 (1) IN GENERAL.—None of the funds made
16 available for fiscal years 2012 or 2013 for the De-
17 partment of Defense may be used to provide the
18 Russian Federation with access to missile defense
19 technology or technical data not described in sub-
20 section (a) unless—

21 (A) the President submits to the appro-
22 priate congressional committees—

23 (i) a report that contains a description
24 of—

1 (I) the specific missile defense
2 technology or technical data to be pro-
3 vided to the Russian Federation, the
4 reasons for providing such technology
5 or data, and how the technology or
6 technical data is intended to be used;

7 (II) the measures necessary to
8 protect the technology or technical
9 data;

10 (III) the specific missile defense
11 technology or technical data of the
12 Russian Federation that the Russian
13 Federation is providing the United
14 States with access to; and

15 (IV) the status and substance of
16 discussions between the United States
17 and the Russian Federation on missile
18 defense matters; and

19 (ii) written certification by the Presi-
20 dent that providing the Russian Federation
21 with access to such missile defense tech-
22 nology or technical data—

23 (I) includes an agreement on pro-
24 hibiting access to such technology or
25 data by any other country or entity;

1 (II) will not enable the develop-
2 ment of countermeasures to any mis-
3 sile defense system of the United
4 States or otherwise undermine the ef-
5 fectiveness of any such missile defense
6 system; and

7 (III) will correspond to equitable
8 access by the United States to missile
9 defense technology or technical data
10 of the Russian Federation; and

11 (B) a period of 30 days has elapsed fol-
12 lowing the date on which the President submits
13 to the appropriate congressional committees the
14 report and written certification under subpara-
15 graph (A).

16 (2) APPLICABILITY.—The limitation in para-
17 graph (1) shall apply with respect to the use of
18 funds on or after the date of the enactment of this
19 Act.

20 (c) FORM.—The report described in clause (i) of sub-
21 section (b)(1)(A) and the certification described in clause
22 (ii) of such subsection shall be submitted in unclassified
23 form, but may contain a classified annex, if necessary.

1 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
2 DEFINED.—In this section, the term “appropriate con-
3 gressional committees” means—

4 (1) the Committee on Armed Services and the
5 Committee on Foreign Relations of the Senate; and

6 (2) the Committee on Armed Services and the
7 Committee on Foreign Affairs of the House of Rep-
8 resentatives.

9 **SEC. 1237. INTERNATIONAL AGREEMENTS RELATING TO**
10 **MISSILE DEFENSE.**

11 (a) SENSE OF CONGRESS.—It is the sense of Con-
12 gress that an agreement regarding missile defense co-
13 operation between the United States and the Russian Fed-
14 eration that is negotiated with the Russian Federation
15 through the North Atlantic Treaty Organization
16 (“NATO”) or a provision to amend the charter of the
17 NATO–Russia Council, should not be considered legally
18 or politically binding unless the agreement is—

19 (1) specifically approved with the advice and
20 consent of the Senate pursuant to article II, section
21 2, clause 2 of the Constitution; or

22 (2) specifically authorized by an Act of Con-
23 gress.

24 (b) MISSILE DEFENSE AGREEMENTS.—

1 (1) IN GENERAL.—Chapter 3 of title 10, United
2 States Code, is amended by adding at the end the
3 following new section:

4 **“§ 130f. International agreements relating to missile**
5 **defense**

6 “(a) IN GENERAL.—In accordance with the under-
7 standing under subsection (b)(1)(B) of the Resolution of
8 Advice and Consent to Ratification of the New START
9 Treaty of the Senate, any agreement with a country or
10 international organization or amendment to the New
11 START Treaty (including an agreement made by the Bi-
12 lateral Consultative Commission established by the New
13 START Treaty) concerning the limitation of the missile
14 defense capabilities of the United States shall not be bind-
15 ing on the United States, and shall not enter into force
16 with respect to the United States, unless after the date
17 of the enactment of this section, such agreement or
18 amendment is—

19 “(1) specifically approved with the advice and
20 consent of the Senate pursuant to article II, section
21 2, clause 2 of the Constitution; or

22 “(2) specifically authorized by an Act of Con-
23 gress.

24 “(b) ANNUAL NOTIFICATION.—Not later than Janu-
25 ary 31 of each year, beginning in 2013, the President shall

1 submit to the congressional defense committees and the
2 Committee on Foreign Relations of the Senate and the
3 Committee on Foreign Affairs of the House of Representa-
4 tives a notification of—

5 “(1) whether the Russian Federation has recog-
6 nized during the previous year the sovereign right of
7 the United States to pursue quantitative and quali-
8 tative improvements in missile defense capabilities;
9 and

10 “(2) whether during any treaty negotiations or
11 other Government-to-Government contacts between
12 the United States and the Russian Federation (in-
13 cluding under the auspices of the Bilateral Consult-
14 ative Commission established by the New START
15 Treaty) during the previous year a representative of
16 the Russian Federation suggested that a treaty or
17 other international agreement include, with respect
18 to the United States—

19 “(A) restricting missile defense capabili-
20 ties, military capabilities in space, or conven-
21 tional prompt global strike capabilities; or

22 “(B) reducing the number of non-strategic
23 nuclear weapons deployed in Europe.

24 “(c) NEW START TREATY DEFINED.—In this sec-
25 tion, the term ‘New START Treaty’ means the Treaty be-

1 tween the United States of America and the Russian Fed-
2 eration on Measures for the Further Reduction and Limi-
3 tation of Strategic Offensive Arms, signed on April 8,
4 2010, and entered into force on February 5, 2011.”.

5 (2) CLERICAL AMENDMENT.—The table of sec-
6 tions at the beginning of such chapter is amended
7 by inserting after the item relating to section 130e
8 the following new item:

“130f. International agreements relating to missile defense.”.

9 (c) DEFENSE TECHNOLOGY COOPERATION AGREE-
10 MENTS.—

11 (1) IN GENERAL.—Subchapter II of chapter
12 138 of title 10, United States Code, is amended by
13 adding at the end the following new section:

14 **“§ 2350n. Defense technology cooperation agreements**
15 **between the United States and the Rus-**
16 **sian Federation**

17 “(a) IN GENERAL.—None of the funds made avail-
18 able for fiscal year 2012 or any fiscal year thereafter for
19 the Department of Defense may be used to implement a
20 defense technology cooperation agreement entered into be-
21 tween the United States and the Russian Federation until
22 a period of 60 days has elapsed following the date on
23 which the President transmits such agreement to the con-
24 gressional defense committees.

1 “(b) DEFENSE TECHNOLOGY COOPERATION AGREE-
2 MENT DEFINED.—In this section, the term ‘defense tech-
3 nology cooperation agreement’ means a cooperative agree-
4 ment related to research and development entered into
5 under section 2358 of this title or any other provision of
6 this title.”.

7 (2) CLERICAL AMENDMENT.—The table of sec-
8 tions at the beginning of such subchapter is amend-
9 ed by inserting after the item relating to section
10 2350m the following new item:

“2350n. Defense technology cooperation agreement between the United States
and the Russian Federation.”.

11 (d) LIMITATION ON MISSILE DEFENSE NEGOTIA-
12 TION.—

13 (1) IN GENERAL.—None of the funds made
14 available for fiscal years 2012 or 2013 for the De-
15 partment of Defense may be used to implement an
16 agreement regarding missile defense entered into
17 with the Russian Federation until the date that is
18 30 days after the date on which the President trans-
19 mits to the appropriate congressional committees the
20 draft agreement discussed between the United
21 States and the Russian Federation at Deauville,
22 France, in May 2011.

23 (2) APPLICABILITY.—The limitation in para-
24 graph (1) shall apply with respect to the use of

1 funds on or after the date of the enactment of this
2 Act.

3 (3) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES DEFINED.—In this subsection, the term “ap-
5 propriate congressional committees” means—

6 (A) the Committee on Armed Services and
7 the Committee on Foreign Relations of the Sen-
8 ate; and

9 (B) the Committee on Armed Services and
10 the Committee on Foreign Affairs of the House
11 of Representatives.

12 **SEC. 1238. LIMITATION ON ASSISTANCE TO PROVIDE TEAR**
13 **GAS OR OTHER RIOT CONTROL ITEMS.**

14 None of the funds authorized to be appropriated by
15 this Act may be used to provide tear gas or other riot
16 control items to the government of a country undergoing
17 a transition to democracy in the Middle East or North
18 Africa unless the Secretary of Defense certifies to the
19 Committee on Armed Services of the Senate and the Com-
20 mittee on Armed Services of the House of Representatives
21 that the security forces of such government are not using
22 excessive force to repress peaceful, lawful, and organized
23 dissent.

1 **SEC. 1239. REQUIREMENT TO SUBMIT TO CONGRESS A**
2 **PLAN FOR A FOREIGN INFRASTRUCTURE**
3 **PROJECT USING FUNDS MADE AVAILABLE**
4 **FOR OVERSEAS CONTINGENCY OPERATIONS.**

5 (a) **PLAN REQUIRED.**—Not later than 60 days prior
6 to the commencement of a covered infrastructure project,
7 the head of the Federal department or agency with pri-
8 mary responsibility for carrying out the project shall sub-
9 mit to Congress a plan to carry out and sustain the
10 project.

11 (b) **MATTERS TO BE INCLUDED.**—The plan shall in-
12 clude a description of the following:

13 (1) The total amount of funds to be obligated
14 and expended under the project, including the total
15 amount of funds to be contributed from other
16 sources.

17 (2) How the project will be maintained after its
18 completion, who will be responsible for maintaining
19 the project, and who will contribute funds for main-
20 taining the project.

21 (3) How the project will be protected after its
22 completion.

23 (c) **COVERED INFRASTRUCTURE PROJECT.**—In this
24 section, the term “covered infrastructure project” or
25 “project” means a project to improve the infrastructure
26 of a foreign country under which the United States con-

1 tributes not less than \$1,000,000 from funds made avail-
2 able for overseas contingency operations.

3 (d) EFFECTIVE DATE.—This section takes effect on
4 the date of the enactment of this Act and applies with
5 respect covered infrastructure projects commenced on or
6 after 60 days after such date of enactment.

7 **SEC. 1240. SALE OF F-16 AIRCRAFT TO TAIWAN.**

8 The President shall carry out the sale of no fewer
9 than 66 F-16C/D multirole fighter aircraft to Taiwan.

10 **SEC. 1240A. LIMITATION ON FUNDS FOR INSTITUTIONS OR**
11 **ORGANIZATIONS ESTABLISHED BY THE**
12 **UNITED NATIONS CONVENTION ON THE LAW**
13 **OF THE SEA.**

14 None of the funds authorized to be appropriated by
15 this Act may be made available for any institution or orga-
16 nization established by the United Nations Convention on
17 the Law of the Sea, including the International Seabed
18 Authority, the International Tribunal for the Law of the
19 Sea, and the Commission on the Limits of the Continental
20 Shelf.

21 **SEC. 1240B. REMOVAL OF BRIGADE COMBAT TEAMS FROM**
22 **EUROPE.**

23 (a) FINDING.—Congress finds that, because defense
24 spending among European NATO countries fell 12% since
25 2008, from \$314 billion to \$275 billion, so that currently

1 only 4 out of the 28 NATO allies of the United States
2 are spending the widely agreed-to standard of 2% of their
3 GDP on defense, the United States must look to more
4 wisely allocate scarce resources to provide for the national
5 defense.

6 (b) REMOVAL AUTHORIZED.—The President is au-
7 thorized and requested to end the permanent basing of
8 units of the United States Armed Forces in European
9 member nations of the North Atlantic Treaty Organiza-
10 tion and return the four Brigade Combat Teams currently
11 stationed in Europe to the United States.

12 (c) USE OF ROTATIONAL FORCES TO SATISFY SECU-
13 RITY NEEDS.—It is the policy of the United States that
14 the deployment of units of the United States Armed
15 Forces on a rotational basis at military installations in
16 European member nations of the North Atlantic Treaty
17 Organization pursuant to the Army Force Generation
18 (ARFORGEN) process is a force-structure arrangement
19 sufficient to permit the United States—

20 (1) to satisfy the commitments undertaken by
21 United States pursuant to Article 5 of the North At-
22 lantic Treaty, signed at Washington, District of Co-
23 lumbia, on April 4, 1949, and entered into force on
24 August 24, 1949 (63 Stat. 2241; TIAS 1964);

1 (2) to address the current security environment
2 in Europe; and

3 (3) to contribute to peace and stability in Eu-
4 rope.

5 **SEC. 1240C. LIMITATION ON FUNDS FOR UNITED STATES**
6 **PARTICIPATION IN JOINT MILITARY EXER-**
7 **CISES WITH EGYPT.**

8 None of the funds authorized to be appropriated by
9 this Act may be made available for United States partici-
10 pation in joint military exercises with Egypt if the Govern-
11 ment of Egypt terminates or withdraws from the 1979
12 Israeli-Egypt peace treaty.

13 **Subtitle E—Authority to Remove**
14 **Satellites and Related Compo-**
15 **nents and Technology From the**
16 **United States Munitions List**

17 **SEC. 1241. AUTHORITY TO REMOVE SATELLITES AND RE-**
18 **LATED COMPONENTS AND TECHNOLOGY**
19 **FROM THE UNITED STATES MUNITIONS LIST.**

20 (a) **AUTHORITY.**—Subject to subsection (b), the
21 President is authorized to remove commercial satellites
22 and related components and technology from the United
23 States Munitions List, consistent with the procedures in
24 section 38(f) of the Arms Export Control Act (22 U.S.C.
25 2778(f)).

1 (b) DETERMINATION.—The President may exercise
2 the authority provided in subsection (a) only if the Presi-
3 dent submits to the appropriate congressional committees
4 a determination that the transfer of commercial satellites
5 and related components and technology from the United
6 States Munitions List does not pose an unacceptable risk
7 to the national security of the United States. Such deter-
8 mination shall include a description of the risk-mitigating
9 controls, procedures, and safeguards the President will put
10 in place to reduce such risk to an absolute minimum.

11 (c) PROHIBITION.—No license or other authorization
12 for export shall be granted for the transfer, retransfer, or
13 reexport of any commercial satellite or related component
14 or technology contained on the Commerce Control List to
15 any person or entity of the following:

16 (1) The People’s Republic of China.

17 (2) Cuba.

18 (3) Iran.

19 (4) North Korea.

20 (5) Sudan.

21 (6) Syria.

22 (7) Any other country with respect to which the
23 United States would deny the application for licenses
24 and other approvals for exports and imports of de-

1 fense articles under section 126.1 of the Inter-
2 national Traffic in Arms Regulations.

3 (d) REPORT.—

4 (1) IN GENERAL.—Not later than 1 year after
5 the date of the enactment of this Act, and annually
6 thereafter, the Director of National Intelligence shall
7 submit to the appropriate congressional committees
8 on efforts of state sponsors of terrorism, other for-
9 eign countries, or entities to illicitly acquire commer-
10 cial satellites and related components and tech-
11 nology.

12 (2) FORM.—Such report shall be submitted in
13 unclassified form, but may contain a classified
14 annex.

15 (e) APPROPRIATE CONGRESSIONAL COMMITTEE DE-
16 FINED.—In this section, the term “appropriate congres-
17 sional committees” means—

18 (1) the Committee on Foreign Relations, the
19 Committee on Armed Services, and the Select Com-
20 mittee on Intelligence of the Senate; and

21 (2) the Committee on Foreign Affairs, the
22 Committee on Armed Services, and the Permanent
23 Select Committee on Intelligence of the House of
24 Representatives.

1 **SEC. 1242. REPORT ON LICENSES AND OTHER AUTHORIZA-**
2 **TIONS TO EXPORT COMMERCIAL SATELLITES**
3 **AND RELATED COMPONENTS AND TECH-**
4 **NOLOGY CONTAINED ON THE COMMERCE**
5 **CONTROL LIST.**

6 (a) IN GENERAL.—Not later than 60 days after the
7 end of each calendar quarter, the President shall transmit
8 to the Committee on Banking, Finance, and Urban Affairs
9 of the Senate and the Committee on Foreign Affairs of
10 the House of Representatives a report containing a listing
11 of all licenses and other authorizations to export commer-
12 cial satellites and related components and technology con-
13 tained on the Commerce Control List.

14 (b) FORM.—Such report shall be submitted in unclas-
15 sified form, but may contain a classified annex.

16 **SEC. 1243. REVIEW OF UNITED STATES MUNITIONS LIST.**

17 Section 38(f)(1) of the Arms Export Control Act (22
18 U.S.C. 2778(f)(1)) is amended by striking the last sen-
19 tence and inserting the following: “Such notice shall in-
20 clude, to the extent practicable, an enumeration of the
21 item or items to be removed and describe the nature of
22 any controls to be imposed on the item or items under
23 any other provision of law.”.

1 **SEC. 1244. REPORT ON COUNTRY EXEMPTIONS FOR LI-**
2 **CENSING OF EXPORTS OF MUNITIONS AND**
3 **RELATED TECHNICAL DATA.**

4 (a) **IN GENERAL.**—Not later than 120 days after the
5 date of the enactment of this Act, the Attorney General
6 and Secretary of Homeland Security shall submit to the
7 appropriate congressional committees a report that con-
8 tains an assessment of the extent to which the terms and
9 conditions of an exemption for foreign countries from the
10 licensing requirements of the Commerce Munitions List
11 (or analogous controls for commercial satellites and re-
12 lated components and technology) contain strong safe-
13 guards.

14 (b) **MATTERS TO BE INCLUDED.**—The report shall
15 include a compilation of sufficient documentation relating
16 to the export of munitions, commercial spacecraft, and re-
17 lated technical data to facilitate law enforcement efforts
18 to effectively detect, investigate, deter, and enforce crimi-
19 nal violations of any provision of the Export Administra-
20 tion Regulations, including efforts on the part of state
21 sponsors of terrorism, other foreign countries, or entities
22 to illicitly acquire such controlled United States tech-
23 nology.

24 (c) **APPROPRIATE CONGRESSIONAL COMMITTEES DE-**
25 **FINED.**—In this section, the term “appropriate congres-
26 sional committees” means—

1 (1) the Committee on Armed Services and the
2 Committee on Banking, Housing, and Urban Affairs
3 of the Senate; and

4 (2) the Committee on Armed Services and the
5 Committee on Foreign Affairs of the House of Rep-
6 resentatives.

7 **SEC. 1245. END-USE MONITORING OF MUNITIONS AND RE-**
8 **LATED TECHNICAL DATA.**

9 (a) ESTABLISHMENT OF MONITORING PROGRAM.—

10 In order to ensure accountability with respect to the ex-
11 port of munitions and related technical data on the Com-
12 merce Munitions List, the President shall establish a pro-
13 gram to provide for the end-use monitoring of such muni-
14 tions and related technical data.

15 (b) REPORT.—Not later than 180 days after the date
16 of the enactment of this Act, and annually thereafter, the
17 President shall submit to Congress a report describing the
18 actions taken to implement this section, including a de-
19 tailed accounting of the costs and number of personnel
20 associated with the program established under subsection
21 (a).

1 **SEC. 1246. INTERAGENCY PROCESS FOR MODIFICATION OF**
2 **CATEGORY XV OF THE UNITED STATES MUNI-**
3 **TIONS LIST.**

4 (a) INTERAGENCY REVIEW.—Subject to the proce-
5 dures in section 38(f) of the Arms Export Control Act (22
6 U.S.C. 2778(f)), the President shall ensure that, through
7 interagency procedures or regulations, the Secretary of
8 State, the Secretary of Defense, the Secretary of Com-
9 merce, and as appropriate the Director of National Intel-
10 ligence concur on all subsequent modifications to Category
11 XV of the United States Munitions List (relating to space-
12 craft systems and associated equipment).

13 (b) ANNUAL REPORT.—

14 (1) IN GENERAL.—Not later than 1 year after
15 the date of the enactment of this Act, and annually
16 thereafter, the President shall submit to the appro-
17 priate congressional committees a report on the re-
18 sults of the interagency reviews required by sub-
19 section (a).

20 (2) MATTERS TO BE INCLUDED.—The report
21 required under paragraph (1) shall include the fol-
22 lowing matters:

23 (A) A review of the space and space-re-
24 lated technologies currently on the United
25 States Munitions List, to include satellite sys-
26 tems, dedicated subsystems, and components.

1 (B) An assessment of the national security
2 risks of removing certain space and space-re-
3 lated technologies identified under subpara-
4 graph (A) from the United States Munitions
5 List.

6 (C) An examination of the degree to which
7 other nations' export control policies control or
8 limit the export of space and space-related tech-
9 nologies for national security reasons.

10 (D) Recommendations for—

11 (i) the space and space-related tech-
12 nologies that should remain on, or may be
13 candidates for removal from, the United
14 States Munitions List based on the na-
15 tional security review required under sub-
16 section (a);

17 (ii) the safeguards and verifications
18 necessary to—

19 (I) prevent the proliferation and
20 diversion of such space and space-re-
21 lated technologies;

22 (II) confirm appropriate end use
23 and end users; and

24 (III) minimize the risk that such
25 space and space-related technologies

1 could be use in foreign missile, space,
2 or other applications that could pose a
3 threat to the security of the United
4 States; and

5 (iii) improvements to the space export
6 control policy and processes of the United
7 States that do not adversely affect United
8 States national security.

9 (E) A description of and recommendations
10 regarding how the United States industrial base
11 and United States national security could be
12 enhanced and strengthened through reforms to
13 and amendments of export control laws and
14 regulations.

15 (3) APPROPRIATE CONGRESSIONAL COMMIT-
16 TEES DEFINED.—In this subsection, the term “ap-
17 propriate congressional committees” means—

18 (A) the Committee on Armed Services, the
19 Committee on Foreign Relations, and the Select
20 Committee on Intelligence of the Senate; and

21 (B) the Committee on Armed Services, the
22 Committee on Foreign Affairs, and the Perma-
23 nent Select Committee on Intelligence of the
24 House of Representatives.

1 **SEC. 1247. DEFINITIONS.**

2 In this subtitle:

3 (1) **COMMERCE MUNITIONS LIST.**—The term
4 “Commerce Munitions List” means items trans-
5 ferred from the United States Munitions List to the
6 Commerce Control List and designated as “600 se-
7 ries” items on the Commerce Control List under the
8 Export Administration Regulations, as proposed by
9 the Bureau of Industry and Security of the Depart-
10 ment of Commerce on July 15, 2011 (76 Fed. Reg.
11 41958), or any successor regulations.

12 (2) **COMMERCIAL SATELLITES AND RELATED**
13 **COMPONENTS AND TECHNOLOGY.**—The term “com-
14 mercial satellites and related components and tech-
15 nology” means—

16 (A) communications satellites that do not
17 contain classified components, including remote
18 sensing satellites with performance parameters
19 below thresholds identified on the United States
20 Munitions List; and

21 (B) systems, subsystems, parts, and com-
22 ponents associated with such satellites and with
23 performance parameters below thresholds speci-
24 fied for items that would remain on the United
25 States Munitions List.

1 (3) EXPORT ADMINISTRATION REGULATIONS.—
2 The term “Export Administration Regulations”
3 means the Export Administration Regulations as
4 maintained and amended under the authority of the
5 International Emergency Economic Powers Act (50
6 U.S.C. 1701 et seq.), or any successor regulations.

7 (4) STATE SPONSOR OF TERRORISM.—The term
8 “state sponsor of terrorism” means any country the
9 government of which the Secretary of State has de-
10 termined has repeatedly provided support for acts of
11 international terrorism pursuant to section 6(j) of
12 the Export Administration Act of 1979, section
13 620A of the Foreign Assistance Act of 1961, section
14 40 of the Arms Export Control Act, or any other
15 provision of law.

16 (5) UNITED STATES MUNITIONS LIST.—The
17 term “United States Munitions List” means the list
18 referred to in section 38(a)(1) of the Arms Export
19 Control Act (22 U.S.C. 2778(a)(1)).

20 **TITLE XIII—COOPERATIVE** 21 **THREAT REDUCTION**

22 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-** 23 **DUCTION PROGRAMS AND FUNDS.**

24 (a) SPECIFICATION OF COOPERATIVE THREAT RE-
25 DUCTION PROGRAMS.—For purposes of section 301 and

1 other provisions of this Act, Cooperative Threat Reduction
2 programs are the programs specified in section 1501 of
3 the National Defense Authorization Act for Fiscal Year
4 1997 (50 U.S.C. 2362 note).

5 (b) FISCAL YEAR 2013 COOPERATIVE THREAT RE-
6 Duction Funds Defined.—As used in this title, the
7 term “fiscal year 2013 Cooperative Threat Reduction
8 funds” means the funds appropriated pursuant to the au-
9 thorization of appropriations in section 301 and made
10 available by the funding table in section 4301 for Coopera-
11 tive Threat Reduction programs.

12 (c) AVAILABILITY OF FUNDS.—Funds appropriated
13 pursuant to the authorization of appropriations in section
14 301 and made available by the funding table in section
15 4301 for Cooperative Threat Reduction programs shall be
16 available for obligation for fiscal years 2013, 2014, and
17 2015.

18 **SEC. 1302. FUNDING ALLOCATIONS.**

19 (a) FUNDING FOR SPECIFIC PURPOSES.—Of the
20 \$519,111,000 authorized to be appropriated to the De-
21 partment of Defense for fiscal year 2013 in section 301
22 and made available by the funding table in section 4301
23 for Cooperative Threat Reduction programs, the following
24 amounts may be obligated for the purposes specified:

1 (1) For strategic offensive arms elimination,
2 \$68,271,000.

3 (2) For chemical weapons destruction,
4 \$14,630,000.

5 (3) For global nuclear security, \$99,789,000.

6 (4) For cooperative biological engagement,
7 \$276,399,000.

8 (5) For proliferation prevention, \$32,402,000.

9 (6) For threat reduction engagement,
10 \$2,375,000.

11 (7) For activities designated as Other Assess-
12 ments/Administrative Costs, \$25,245,000.

13 (b) REPORT ON OBLIGATION OR EXPENDITURE OF
14 FUNDS FOR OTHER PURPOSES.—No fiscal year 2013 Co-
15 operative Threat Reduction funds may be obligated or ex-
16 pended for a purpose other than a purpose listed in para-
17 graphs (1) through (7) of subsection (a) until 15 days
18 after the date that the Secretary of Defense submits to
19 Congress a report on the purpose for which the funds will
20 be obligated or expended and the amount of funds to be
21 obligated or expended. Nothing in the preceding sentence
22 shall be construed as authorizing the obligation or expend-
23 iture of fiscal year 2013 Cooperative Threat Reduction
24 funds for a purpose for which the obligation or expendi-

1 ture of such funds is specifically prohibited under this title
2 or any other provision of law.

3 (c) LIMITED AUTHORITY TO VARY INDIVIDUAL
4 AMOUNTS.—

5 (1) IN GENERAL.—Subject to paragraph (2), in
6 any case in which the Secretary of Defense deter-
7 mines that it is necessary to do so in the national
8 interest, the Secretary may obligate amounts appro-
9 priated for fiscal year 2013 for a purpose listed in
10 paragraphs (1) through (7) of subsection (a) in ex-
11 cess of the specific amount authorized for that pur-
12 pose.

13 (2) NOTICE-AND-WAIT REQUIRED.—An obliga-
14 tion of funds for a purpose stated in paragraphs (1)
15 through (7) of subsection (a) in excess of the specific
16 amount authorized for such purpose may be made
17 using the authority provided in paragraph (1) only
18 after—

19 (A) the Secretary submits to Congress no-
20 tification of the intent to do so together with a
21 complete discussion of the justification for
22 doing so; and

23 (B) 15 days have elapsed following the
24 date of the notification.

1 **SEC. 1303. LIMITATION ON AVAILABILITY OF FUNDS FOR**
2 **COOPERATIVE THREAT REDUCTION ACTIVI-**
3 **TIES WITH RUSSIAN FEDERATION.**

4 (a) **LIMITATION.**—None of the funds authorized to
5 be appropriated by this Act or otherwise made available
6 for fiscal year 2013 for Cooperative Threat Reduction may
7 be obligated or expended for cooperative threat reduction
8 activities with the Russian Federation until the date that
9 is 30 days after the date on which the Secretary of De-
10 fense certifies, in coordination with the Secretary of State,
11 to the appropriate congressional committees that—

12 (1) Russia is no longer—

13 (A) providing direct or indirect support to
14 the government of Syria's suppression of the
15 Syrian people; and

16 (B) transferring to Iran, North Korea, or
17 Syria equipment and technology that have the
18 potential to make a material contribution to the
19 development of weapons of mass destruction or
20 cruise or ballistic missile systems controlled
21 under multilateral control lists; or

22 (2) funds planned to be obligated or expended
23 for cooperative threat reduction activities with the
24 Russian Federation are strictly for project closeout
25 activities and will not be used for new activities or
26 activities that will extend beyond fiscal year 2013.

1 (b) WAIVER.—The Secretary of Defense may waive
2 the limitation in subsection (a) if—

3 (1) the Secretary determines that such waiver is
4 in the national security interests of the United
5 States;

6 (2) the Secretary briefs, in an unclassified
7 form, the appropriate congressional committees on
8 the justifications of such waiver; and

9 (3) a period of 90 days has elapsed following
10 the date on which such briefing is held.

11 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
12 FINED.—In this section, the term “appropriate congres-
13 sional committees” means—

14 (1) the Committee on Armed Services and the
15 Committee on Foreign Affairs of the House of Rep-
16 resentatives; and

17 (2) the Committee on Armed Services and the
18 Committee on Foreign Relations of the Senate.

19 **TITLE XIV—OTHER** 20 **AUTHORIZATIONS**

21 **Subtitle A—Military Programs**

22 **SEC. 1401. WORKING CAPITAL FUNDS.**

23 Funds are hereby authorized to be appropriated for
24 fiscal year 2013 for the use of the Armed Forces and other
25 activities and agencies of the Department of Defense for

1 providing capital for working capital and revolving funds,
2 as specified in the funding table in section 4501.

3 **SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.**

4 Funds are hereby authorized to be appropriated for
5 the fiscal year 2013 for the National Defense Sealift
6 Fund, as specified in the funding table in section 4501.

7 **SEC. 1403. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**
8 **TION, DEFENSE.**

9 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
10 are hereby authorized to be appropriated for the Depart-
11 ment of Defense for fiscal year 2013 for expenses, not oth-
12 erwise provided for, for Chemical Agents and Munitions
13 Destruction, Defense, as specified in the funding table in
14 section 4501.

15 (b) USE.—Amounts authorized to be appropriated
16 under subsection (a) are authorized for—

17 (1) the destruction of lethal chemical agents
18 and munitions in accordance with section 1412 of
19 the Department of Defense Authorization Act, 1986
20 (50 U.S.C. 1521); and

21 (2) the destruction of chemical warfare materiel
22 of the United States that is not covered by section
23 1412 of such Act.

1 **SEC. 1404. DRUG INTERDICTION AND COUNTER-DRUG AC-**
2 **TIVITIES, DEFENSE-WIDE.**

3 Funds are hereby authorized to be appropriated for
4 the Department of Defense for fiscal year 2013 for ex-
5 penses, not otherwise provided for, for Drug Interdiction
6 and Counter-Drug Activities, Defense-wide, as specified in
7 the funding table in section 4501.

8 **SEC. 1405. DEFENSE INSPECTOR GENERAL.**

9 Funds are hereby authorized to be appropriated for
10 the Department of Defense for fiscal year 2013 for ex-
11 penses, not otherwise provided for, for the Office of the
12 Inspector General of the Department of Defense, as speci-
13 fied in the funding table in section 4501.

14 **SEC. 1406. DEFENSE HEALTH PROGRAM.**

15 Funds are hereby authorized to be appropriated for
16 fiscal year 2013 for the Defense Health Program, as spec-
17 ified in the funding table in section 4501, for use of the
18 Armed Forces and other activities and agencies of the De-
19 partment of Defense in providing for the health of eligible
20 beneficiaries.

21 **SEC. 1407. CEMETERIAL EXPENSES.**

22 Funds are hereby authorized to be appropriated for
23 the Department of the Army for fiscal year 2013 for
24 cemeterial expenses, not otherwise provided for, as speci-
25 fied in the funding table in section 4501.

1 **Subtitle B—National Defense**
2 **Stockpile**

3 **SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE**
4 **STOCKPILE FUNDS.**

5 (a) **OBLIGATION OF STOCKPILE FUNDS.**—During fis-
6 cal year 2013, the National Defense Stockpile Manager
7 may obligate up to \$44,899,227 of the funds in the Na-
8 tional Defense Stockpile Transaction Fund established
9 under subsection (a) of section 9 of the Strategic and Crit-
10 ical Materials Stock Piling Act (50 U.S.C. 98h) for the
11 authorized uses of such funds under subsection (b)(2) of
12 such section, including the disposal of hazardous materials
13 that are environmentally sensitive.

14 (b) **ADDITIONAL OBLIGATIONS.**—The National De-
15 fense Stockpile Manager may obligate amounts in excess
16 of the amount specified in subsection (a) if the National
17 Defense Stockpile Manager notifies Congress that extraor-
18 dinary or emergency conditions necessitate the additional
19 obligations. The National Defense Stockpile Manager may
20 make the additional obligations described in the notifica-
21 tion after the end of the 45-day period beginning on the
22 date on which Congress receives the notification.

23 (c) **LIMITATIONS.**—The authorities provided by this
24 section shall be subject to such limitations as may be pro-
25 vided in appropriations Acts.

1 **SEC. 1412. ADDITIONAL SECURITY OF STRATEGIC MATE-**
2 **RIALS SUPPLY CHAINS.**

3 Section 2(b) of the Strategic and Critical Materials
4 Stock Piling Act (50 U.S.C. 98a) is amended by inserting
5 “or a single point of failure” after “foreign sources”.

6 **Subtitle C—Other Matters**

7 **SEC. 1421. REDUCTION OF UNOBLIGATED BALANCES WITH-**
8 **IN THE PENTAGON RESERVATION MAINTENANCE REVOLVING FUND.**

10 Not later than 60 days after the date of the enact-
11 ment of this Act, the Secretary of Defense shall transfer
12 \$26,000,000 from the unobligated balances of the Pen-
13 tagon Reservation Maintenance Revolving Fund estab-
14 lished under section 2674(e) of title 10, United States
15 Code, to the Miscellaneous Receipts Fund of the United
16 States Treasury.

17 **SEC. 1422. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT**
18 **DEPARTMENT OF DEFENSE-DEPARTMENT OF**
19 **VETERANS AFFAIRS MEDICAL FACILITY DEM-**
20 **ONSTRATION FUND FOR CAPTAIN JAMES A.**
21 **LOVELL HEALTH CARE CENTER, ILLINOIS.**

22 (a) **AUTHORITY FOR TRANSFER OF FUNDS.**—Of the
23 funds authorized to be appropriated for section 1406 and
24 available for the Defense Health Program for operation
25 and maintenance, \$139,204,000 may be transferred by the
26 Secretary of Defense to the Joint Department of Defense—

1 Department of Veterans Affairs Medical Facility Dem-
2 onstration Fund established by subsection (a)(1) of sec-
3 tion 1704 of the National Defense Authorization Act for
4 Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571).
5 For purposes of subsection (a)(2) of such section 1704,
6 any funds so transferred shall be treated as amounts au-
7 thorized and appropriated specifically for the purpose of
8 such a transfer.

9 (b) USE OF TRANSFERRED FUNDS.—For the pur-
10 poses of subsection (b) of such section 1704, facility oper-
11 ations for which funds transferred under subsection (a)
12 may be used are operations of the Captain James A.
13 Lovell Federal Health Care Center, consisting of the
14 North Chicago Veterans Affairs Medical Center, the Navy
15 Ambulatory Care Center, and supporting facilities des-
16 igned as a combined Federal medical facility under an
17 operational agreement covered by section 706 of the Dun-
18 can Hunter National Defense Authorization Act for Fiscal
19 Year 2009 (Public Law 110–417; 122 Stat. 4500).

20 **SEC. 1423. AUTHORIZATION OF APPROPRIATIONS FOR**
21 **ARMED FORCES RETIREMENT HOME.**

22 There is hereby authorized to be appropriated for fis-
23 cal year 2013 from the Armed Forces Retirement Home
24 Trust Fund the sum of \$67,590,000 for the operation of
25 the Armed Forces Retirement Home.

1 **TITLE XV—AUTHORIZATION OF**
2 **ADDITIONAL APPROPRIA-**
3 **TIONS FOR OVERSEAS CON-**
4 **TINGENCY OPERATIONS**
5 **Subtitle A—Authorization of**
6 **Additional Appropriations**

7 **SEC. 1501. PURPOSE.**

8 The purpose of this subtitle is to authorize appropria-
9 tions for the Department of Defense for fiscal year 2013
10 to provide additional funds for overseas contingency oper-
11 ations being carried out by the Armed Forces.

12 **SEC. 1502. PROCUREMENT.**

13 Funds are hereby authorized to be appropriated for
14 fiscal year 2013 for procurement accounts for the Army,
15 the Navy and the Marine Corps, the Air Force, and De-
16 fense-wide activities, as specified in the funding table in
17 section 4102.

18 **SEC. 1503. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
19 **TION.**

20 Funds are hereby authorized to be appropriated for
21 fiscal year 2013 for the use of the Department of Defense
22 for research, development, test, and evaluation, as speci-
23 fied in the funding table in section 4202.

1 **SEC. 1504. OPERATION AND MAINTENANCE.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2013 for the use of the Armed Forces and other
4 activities and agencies of the Department of Defense for
5 expenses, not otherwise provided for, for operation and
6 maintenance, as specified in the funding table in section
7 4302.

8 **SEC. 1505. MILITARY PERSONNEL.**

9 Funds are hereby authorized to be appropriated for
10 fiscal year 2013 for the use of the Armed Forces and other
11 activities and agencies of the Department of Defense for
12 expenses, not otherwise provided for, for military per-
13 sonnel, as specified in the funding table in section 4402.

14 **SEC. 1506. WORKING CAPITAL FUNDS.**

15 Funds are hereby authorized to be appropriated for
16 fiscal year 2013 for the use of the Armed Forces and other
17 activities and agencies of the Department of Defense for
18 providing capital for working capital and revolving funds,
19 as specified in the funding table in section 4502.

20 **SEC. 1507. DEFENSE HEALTH PROGRAM.**

21 Funds are hereby authorized to be appropriated for
22 the Department of Defense for fiscal year 2013 for ex-
23 penses, not otherwise provided for, for the Defense Health
24 Program, as specified in the funding table in section 4502.

1 **SEC. 1508. DRUG INTERDICTION AND COUNTER-DRUG AC-**
2 **TIVITIES, DEFENSE-WIDE.**

3 Funds are hereby authorized to be appropriated for
4 the Department of Defense for fiscal year 2013 for ex-
5 penses, not otherwise provided for, for Drug Interdiction
6 and Counter-Drug Activities, Defense-wide, as specified in
7 the funding table in section 4502.

8 **SEC. 1509. DEFENSE INSPECTOR GENERAL.**

9 Funds are hereby authorized to be appropriated for
10 the Department of Defense for fiscal year 2013 for ex-
11 penses, not otherwise provided for, for the Office of the
12 Inspector General of the Department of Defense, as speci-
13 fied in the funding table in section 4502.

14 **Subtitle B—Financial Matters**

15 **SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

16 The amounts authorized to be appropriated by this
17 title are in addition to amounts otherwise authorized to
18 be appropriated by this Act.

19 **SEC. 1522. SPECIAL TRANSFER AUTHORITY.**

20 (a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.—**

21 (1) **AUTHORITY.**—Upon determination by the
22 Secretary of Defense that such action is necessary in
23 the national interest, the Secretary may transfer
24 amounts of authorizations made available to the De-
25 partment of Defense in this title for fiscal year 2013
26 between any such authorizations for that fiscal year

1 (or any subdivisions thereof). Amounts of authoriza-
2 tions so transferred shall be merged with and be
3 available for the same purposes as the authorization
4 to which transferred.

5 (2) LIMITATION.—The total amount of author-
6 izations that the Secretary may transfer under the
7 authority of this subsection may not exceed
8 \$3,000,000,000.

9 (b) TERMS AND CONDITIONS.—Transfers under this
10 section shall be subject to the same terms and conditions
11 as transfers under section 1001.

12 (c) ADDITIONAL AUTHORITY.—The transfer author-
13 ity provided by this section is in addition to the transfer
14 authority provided under section 1001.

15 **SEC. 1523. LIMITATION ON USE OF FUNDS IN OVERSEAS**
16 **CONTINGENCY OPERATIONS TRANSFER**
17 **FUND.**

18 Amounts appropriated to the Overseas Contingency
19 Operations Transfer Fund pursuant to the authorizations
20 of appropriations contained in this title and available for
21 use or transfer to cover expenses directly relating to over-
22 seas contingency operations by the United States Armed
23 Forces may be used only for an item or activity specified
24 in the overseas contingency operations portion of the
25 budget submitted to Congress by the President under sec-

1 tion 1105 of title 31, United States Code, for fiscal year
2 2013.

3 **Subtitle C—Limitations and Other**
4 **Matters**

5 **SEC. 1531. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**
6 **FUND.**

7 (a) USE AND TRANSFER OF FUNDS.—Subsections
8 (b) and (c) of section 1514 of the John Warner National
9 Defense Authorization Act for Fiscal Year 2007 (Public
10 Law 109–364; 120 Stat. 2439), as in effect before the
11 amendments made by section 1503 of the Duncan Hunter
12 National Defense Authorization Act for Fiscal Year 2009
13 (Public Law 110–417; 122 Stat. 4649), shall apply to the
14 funds made available to the Department of Defense for
15 the Joint Improvised Explosive Device Defeat Fund for
16 fiscal year 2013. In providing prior notice to the congress-
17 sional defense committees of the obligation of funds from
18 the Joint Improvised Explosive Device Defeat Fund for
19 such fiscal year, as required by paragraph (4) of such sub-
20 section (c), the Secretary of Defense shall include the mar-
21 ket research or associated analysis of alternatives con-
22 ducted in the process of taking action to initiate any
23 project for which the total obligation of funds from the
24 Fund will exceed \$10,000,000.

1 (b) MONTHLY OBLIGATIONS AND EXPENDITURE RE-
2 PORTS.—Not later than 15 days after the end of each
3 month of fiscal year 2013, the Secretary of Defense shall
4 provide to the congressional defense committees a report
5 on the Joint Improvised Explosive Device Defeat Fund ex-
6 plaining monthly commitments, obligations, and expendi-
7 tures by line of action.

8 (c) ADDITIONAL AUTHORIZED USE OF FUNDS IN
9 JIEDDF.—Funds in the Joint Improvised Explosive De-
10 vice Defeat Fund shall be available, with the concurrence
11 of the Secretary of State, for the purpose of monitoring,
12 disrupting, and interdicting the movement of explosive de-
13 vice precursors from a country that borders Afghanistan
14 to a location within Afghanistan. For a country in which
15 the actions and activities described in the preceding sen-
16 tence are carried out, such funds may, with the concur-
17 rence of the Secretary of State, also be used to train and
18 equip the security forces of that country that support mis-
19 sions to monitor, disrupt, and interdict the movement of
20 explosive device precursors into Afghanistan.

1 **SEC. 1532. ONE-YEAR EXTENSION OF PROJECT AUTHORITY**
2 **AND RELATED REQUIREMENTS OF TASK**
3 **FORCE FOR BUSINESS AND STABILITY OPER-**
4 **ATIONS IN AFGHANISTAN.**

5 (a) **EXTENSION.**—Subsection (a) of section 1535 of
6 the Ike Skelton National Defense Authorization Act for
7 Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4426),
8 as amended by section 1534 of the National Defense Au-
9 thorization Act for Fiscal Year 2012 (Public Law 112–
10 81; 125 Stat. 1658), is further amended—

11 (1) in paragraph (6), by striking “October 31,
12 2011, and October 31, 2012” and inserting “Octo-
13 ber 31, 2011, October 31, 2012, and October 31,
14 2013”; and

15 (2) in paragraph (7), by striking “September
16 30, 2012” and inserting “September 30, 2013”.

17 (b) **SCOPE OF PROJECTS.**—Paragraph (3) of such
18 subsection, as so amended, is further amended—

19 (1) by striking “private investment, mining sec-
20 tor development, industrial development, and other
21 projects” and inserting “mining and natural re-
22 source industry development”; and

23 (2) by striking “focus on improving the com-
24 mercial viability of” and inserting “complement”.

25 (c) **FUNDING.**—Paragraph (4) of such subsection, as
26 so amended, is further amended—

1 (1) by striking “The Secretary” and inserting
2 the following:

3 “(A) IN GENERAL.—The Secretary”.

4 (2) by striking “The amount” and all that fol-
5 lows through “appropriate congressional commit-
6 tees.” and inserting the following:

7 “(B) LIMITATION.—The amount of funds
8 used under authority of subparagraph (A)—

9 “(i) may not exceed \$150,000,000 for
10 fiscal year 2012, except that not more than
11 50 percent of such amount may be obli-
12 gated until the plan required by subsection
13 (b) is submitted to the appropriate con-
14 gressional committees; and

15 “(ii) may not exceed \$50,000,000 for
16 fiscal year 2013, except that no such funds
17 may be obligated until the Secretary noti-
18 fies the appropriate congressional commit-
19 tees that the activities of the Task Force
20 for Business and Stability Operations in
21 Afghanistan will be transitioned to the De-
22 partment of State by September 30,
23 2013.”; and

24 (3) by striking “The funds” and inserting the
25 following:

1 “(C) AVAILABILITY.—The funds”.

2 **SEC. 1533. LIMITATIONS ON AVAILABILITY OF FUNDS IN AF-**
3 **GHANISTAN SECURITY FORCES FUND.**

4 (a) CONTINUATION OF EXISTING LIMITATIONS ON
5 AVAILABILITY OF FUNDS IN AFGHANISTAN SECURITY
6 FORCES FUND.—Funds available to the Department of
7 Defense for the Afghanistan Security Forces Fund for fis-
8 cal year 2013 shall be subject to the conditions contained
9 in subsections (b) through (g) of section 1513 of the Na-
10 tional Defense Authorization Act for Fiscal Year 2008
11 (Public Law 110–181; 122 Stat. 428), as amended by sec-
12 tion 1531(b) of the Ike Skelton National Defense Author-
13 ization Act for Fiscal Year 2011 (Public Law 111–383;
14 124 Stat. 4424).

15 (b) AFGHAN PUBLIC PROTECTION FORCE.—

16 (1) LIMITATION.—None of the funds available
17 to the Department of Defense for fiscal year 2013
18 for the Afghanistan Security Forces Fund may be
19 obligated or expended for the Afghan Public Protec-
20 tion Force (in this subsection referred to as the
21 “APPF”) until the Secretary of Defense certifies in
22 writing to the congressional defense committees the
23 following:

24 (A) Each subcontract, task order, or deliv-
25 ery order entered into with the APPF under a

1 contract of the Department of Defense, or any
2 agreement between the United States and Af-
3 ghanistan for services of the APPF for the De-
4 partment of Defense, will include—

5 (i) standard format, content, and li-
6 ability clauses to ensure consistent levels of
7 security and dispute resolution mecha-
8 nisms;

9 (ii) a requirement for members of the
10 APPF to adhere to the APPF Code of
11 Conduct, including principles of conduct
12 for such personnel, minimum vetting re-
13 quirements, and management and over-
14 sight commitments;

15 (iii) authority for the prime contractor
16 or, in the case of an agreement, the United
17 States, to independently conduct biometric
18 screening;

19 (iv) authority for the prime contractor
20 or, in the case of an agreement, the United
21 States—

22 (I) to direct the APPF, at its
23 own expense, to remove or replace any
24 personnel performing on a subcontract
25 or such agreement who fail to meet

1 the APPF Code of Conduct or terms
2 of such subcontract or agreement; and

3 (II) to terminate the subcontract
4 or such agreement, if the failure to
5 comply is a gross violation or is re-
6 peated; and

7 (v) authority for the Commander,
8 International Security Assistance Force (or
9 his designee)—

10 (I) to provide an arming author-
11 ization for APPF personnel author-
12 ized to perform activities at a military
13 installation or facility in Afghanistan
14 at which members of the Armed
15 Forces deployed to Afghanistan are
16 garrisoned or housed;

17 (II) to account for and keep ap-
18 propriate records of APPF personnel
19 authorized to perform activities at a
20 military installation or facility in Af-
21 ghanistan at which members of the
22 Armed Forces deployed to Afghani-
23 stan are garrisoned or housed, includ-
24 ing on a database referred to as the

1 Synchronized Predeployment and
2 Operational Tracker; and

3 (III) to consult with the Minister
4 of Interior of Afghanistan regarding
5 rules on the use of force for APPF
6 personnel.

7 (B) The Minister of Interior of Afghani-
8 stan is committed to ensuring that sufficient
9 numbers of APPF personnel are trained to
10 match demand and attrition.

11 (C) Sufficient clarity exists with regard to
12 command and control of APPF personnel and
13 the role of risk management consultants.

14 (D) The program established pursuant to
15 section 1225 of the National Defense Author-
16 ization Act for Fiscal Year 2010 (Public Law
17 111–84; 22 U.S.C. 2785 note) is sufficient to—

18 (i) account for the transfer of any
19 contractor-acquired, United States Govern-
20 ment-owned defense articles to the APPF;
21 and

22 (ii) conduct end-use monitoring, in-
23 cluding an inventory of the existence and
24 completeness of any such defense articles;

1 (E) Mechanisms are in place to ensure
2 that there is no additional cost to the United
3 States for—

4 (i) a weapon used in the performance
5 of APPF services under a subcontract of a
6 contract of the Department of Defense, or
7 through an agreement between the United
8 States and Afghanistan, if such a weapon
9 is a United States Government-owned
10 weapon; and

11 (ii) any assistance also provided
12 through the Afghan Security Forces Fund
13 for support to APPF.

14 (F) The Minister of Interior of Afghani-
15 stan has established the elements required by
16 subparagraphs (A) through (F) of section
17 862(a)(2) of the National Defense Authoriza-
18 tion Act for Fiscal Year 2008 (Public Law
19 110–181). For purposes of the preceding sen-
20 tence, the terms “personnel performing private
21 security functions in an area of combat oper-
22 ations or other significant military operations”,
23 “contractor”, and “contractor personnel”, as
24 used in section 862 of such Act, mean members
25 of the APPF.

1 (G) The Secretary is confident the security
2 provided to supply convoys, to Department of
3 Defense construction projects, and to Armed
4 Forces deployed to Afghanistan will not be de-
5 graded.

6 (2) ADDITIONAL LIMITATION.—None of the
7 funds available to the Department of Defense for
8 fiscal year 2013 for the Afghanistan Security Forces
9 Fund may be obligated or expended for infrastruc-
10 ture improvements at a APPF training center.

11 (3) QUARTERLY REPORTS.—

12 (A) ASSESSMENT REQUIRED.—Each fiscal
13 year quarter during fiscal years 2013 and 2014,
14 the Secretary of Defense shall conduct an as-
15 sessment of the APPF.

16 (B) REPORTS.—Thirty days following the
17 end of each quarter of fiscal years 2013 and
18 2014, the Secretary shall submit a report to the
19 congressional defense committees of each as-
20 sessment conducted under subparagraph (A).

21 (C) MATTERS COVERED.—Each such re-
22 port shall include—

23 (i) a detailed assessment of the ability
24 of the APPF to perform the essential tasks
25 identified by the assessment team;

1 (ii) an identification and evaluation of
2 measures of effectiveness;

3 (iii) a description of the size of the
4 APPF and an assessment of the suffi-
5 ciency of its recruiting and training; and

6 (iv) a discussion of the issues the Sec-
7 retary considers significant, and any rec-
8 ommendations to address those issues or
9 other recommendations to improve future
10 performance of the APPF, as the Sec-
11 retary considers appropriate.

12 (D) FIRST REPORT.—The first quarterly
13 report submitted after the date of the enact-
14 ment of this Act shall include an estimate of
15 the cost to the Department of Defense of the
16 APPF, including funds within the Afghan Secu-
17 rity Forces Fund and estimated contractual
18 costs for fiscal years 2013 and 2014.

19 (E) A report submitted following the end
20 of the second and fourth quarter of a fiscal year
21 shall include a comparison of the cost to the
22 Department of Defense (both direct and to con-
23 tractors of the Department of Defense) for the
24 preceding six months of—

25 (i) the use of the APPF; and

1 (ii) the historical use of private secu-
2 rity contractors for a similar six-month pe-
3 riod.

4 (4) AGREEMENTS.—The Secretary shall submit
5 to the congressional defense committees a copy of
6 each agreement signed by the United States and Af-
7 ghanistan for services of the APPF for the Depart-
8 ment of Defense during the first six months fol-
9 lowing the date of the enactment of this Act.

10 **TITLE XVI—INDUSTRIAL BASE** 11 **MATTERS**

12 **Subtitle A—Defense Industrial** 13 **Base Matters**

14 **SEC. 1601. DISESTABLISHMENT OF DEFENSE MATERIEL** 15 **READINESS BOARD.**

16 (a) DISESTABLISHMENT OF BOARD.—The Defense
17 Materiel Readiness Board established pursuant to section
18 871 of the National Defense Authorization Act for Fiscal
19 Year 2008 (Public Law 110–181; 10 U.S.C. 117 note) is
20 hereby disestablished.

21 (b) TERMINATION OF DEFENSE STRATEGIC READI-
22 NESS FUND.—The Defense Strategic Readiness Fund es-
23 tablished by section 872(d) of the National Defense Au-
24 thorization Act for Fiscal Year 2008 (Public Law 110–
25 181; 10 U.S.C. 117 note) is hereby closed.

1 (c) REPEAL.—Subtitle G of title VIII of the National
2 Defense Authorization Act for Fiscal Year 2008 (Public
3 Law 110–181; 10 U.S.C. 117 note) is repealed.

4 **SEC. 1602. ASSESSMENT OF EFFECTS OF FOREIGN BOY-**
5 **COTTS.**

6 Section 2505 of title 10, United States Code, is
7 amended—

8 (1) by redesignating subsection (d) as sub-
9 section (e); and

10 (2) by inserting after subsection (c) the fol-
11 lowing new subsection (d):

12 “(d) ASSESSMENT OF EXTENT OF EFFECTS OF FOR-
13 EIGN BOYCOTTS.—Each assessment under subsection (a)
14 shall include a separate discussion and presentation re-
15 garding the extent to which the national technology and
16 industrial base is affected by foreign boycotts. The discus-
17 sion and presentation regarding foreign boycotts shall—

18 “(1) identify sectors of the national technology
19 and industrial base being affected by foreign boy-
20 cotts;

21 “(2) assess the harm to the national technology
22 and industrial base as a result of such boycotts; and

23 “(3) identify actions necessary to minimize the
24 effects of foreign boycotts on the national technology
25 and industrial base.”.

1 **SEC. 1603. ADVANCING INNOVATION PILOT PROGRAM.**

2 (a) PILOT PROGRAM.—The Secretary of Defense,
3 acting through the Assistant Secretary of Defense for Re-
4 search and Engineering, may establish and implement a
5 pilot program, to be known as the “Advancing Innovation
6 Pilot Program”, in furtherance of the national security ob-
7 jectives in section 2501(a) of title 10, United States Code.

8 (b) PURPOSE.—The purpose of the pilot program is
9 to accelerate development and fielding of research innova-
10 tions from qualifying institutions.

11 (c) AVAILABILITY OF FUNDS.—Of the funds author-
12 ized and appropriated, or otherwise made available, for re-
13 search, development, test and evaluation, the Secretary
14 may allocate funding to qualifying institutions in accord-
15 ance with this subsection. Such funding shall be used to
16 evaluate the potential of fielding or commercialization of
17 existing discoveries, including—

18 (1) proof of concept research or prototype de-
19 velopment; and

20 (2) activities that contribute to determining a
21 project’s path to fielding or commercialization of
22 dual-use technologies, including technical validations,
23 market research, determination of intellectual prop-
24 erty rights, and investigating military or commercial
25 opportunities.

1 (d) IMPLEMENTATION.—Prior to obligation or execu-
2 tion of funding under the pilot program, the Secretary
3 shall develop and issue guidance to implement the pilot
4 program. Such guidance shall, at a minimum—

5 (1) require that funding allocated under the
6 pilot program shall be done using a competitive,
7 merit-based process;

8 (2) ensure that qualifying institutions establish
9 a rigorous, diverse review board for program execu-
10 tion that shall be comprised of experts in
11 translational and proof of concept research, includ-
12 ing representatives that provide expertise in
13 transitioning technology, financing mechanisms, in-
14 tellectual property rights, and advancement of small
15 business concerns;

16 (3) ensure that technology validation milestones
17 are established; and

18 (4) enable the Assistant Secretary to reallocate
19 funding with the pilot program from poor per-
20 forming projects to those with more potential.

21 (e) LIMITATION.—Funding made available under the
22 pilot program shall not be used for basic research, or to
23 fund the acquisition of research equipment or supplies not
24 directly related to fielding activities to meet military re-
25 quirements or commercialization of dual-use technologies.

1 (f) REPORT.—Not later than 90 days after the com-
2 pletion of the pilot program, the Secretary shall submit
3 to the congressional defense committees a report evalu-
4 ating the effectiveness of the activities of the pilot pro-
5 gram. The report shall include—

6 (1) a detailed description of the execution of the
7 pilot program, including incentives and activities un-
8 dertaken by review board experts;

9 (2) an accounting of the funds used in the pilot
10 program;

11 (3) a detailed description of the institutional
12 and proposal selection process;

13 (4) a detailed compilation of results achieved by
14 the pilot program;

15 (5) an analysis of the program’s effectiveness,
16 with data supporting the analysis; and

17 (6) recommendations for advancing innovation
18 and otherwise improving the transition of technology
19 to meet Department of Defense requirements.

20 (g) DEFINITIONS.—In this section:

21 (1) QUALIFYING INSTITUTION.—The term
22 “qualifying institution” means any entity at which
23 research and development activities are conducted
24 and that has past performance in technology transi-

1 tion or commercialization of third-party research, in-
2 cluding—

3 (A) an institution of higher education or
4 other nonprofit entity; and

5 (B) a for-profit entity.

6 (2) RESEARCHER.—The term “researcher”
7 means a university or Federal laboratory that con-
8 ducts basic research.

9 (3) INSTITUTION OF HIGHER EDUCATION.—The
10 term “institution of higher education” has the
11 meaning given such term in section 101 of the High-
12 er Education Act of 1965.

13 (4) DUAL-USE.—The term “dual-use” has the
14 meaning provided in section 2500(2) of title 10,
15 United States Code.

16 (h) TERMINATION.—The pilot program conducted
17 under this section shall terminate on September 30, 2017.

18 **SEC. 1604. NATIONAL SECURITY STRATEGY FOR NATIONAL**

19 **TECHNOLOGY AND INDUSTRIAL BASE.**

20 (a) REQUIREMENT FOR STRATEGY.—

21 (1) IN GENERAL.—Section 2501 of title 10,
22 United States Code, is amended as follows:

23 (A) The section heading is amended by
24 striking “**objectives concerning**” and in-
25 serting “**strategy for**”.

1 (B) Subsection (a) is amended—

2 (i) in the subsection heading, by strik-
3 ing “OBJECTIVES” and inserting “STRAT-
4 EGY”;

5 (ii) by striking “It is the policy of”
6 and all that follows through “objectives:”
7 and inserting the following: “The Secretary
8 of Defense shall develop a national security
9 strategy for the national technology and
10 industrial base. Such strategy shall be
11 based on a prioritized assessment of risks
12 and challenges to the defense supply chain
13 and shall ensure that the national tech-
14 nology and industrial base is capable of
15 achieving the following national security
16 objectives:”; and

17 (iii) by adding at the end the fol-
18 lowing new paragraphs:

19 “(9) Ensuring reliable sources of materials that
20 are critical to national security, such as specialty
21 metals, armor plate and rare earth elements.

22 “(10) Reducing, to the maximum extent prac-
23 ticable, the presence of counterfeit parts in the sup-
24 ply chain and the risk associated with such parts.”.

1 (2) CLERICAL AMENDMENT.—The item relating
2 to section 2501 in the table of sections at the begin-
3 ning of subchapter II of chapter 148 of such title is
4 amended to read as follows:

“2501. National security strategy for national technology and industrial base.”.

5 (b) AMENDMENT TO ANNUAL REPORT RELATING TO
6 DEFENSE INDUSTRIAL BASE.—Section 2504 of such title
7 is amended—

8 (1) by striking paragraph (2);

9 (2) by redesignating paragraph (3) as para-
10 graph (2); and

11 (3) by inserting after paragraph (2) (as so re-
12 designated) the following new paragraph (3):

13 “(3) Based on the assessments prepared pursu-
14 ant to section 2505 of this title—

15 “(A) a description of any mitigation strate-
16 gies necessary to address any gaps or
17 vulnerabilities in the national technology and
18 industrial base; and

19 “(B) any other steps necessary to foster
20 and safeguard the national technology and in-
21 dustrial base.”.

22 (c) REQUIREMENT FOR CONSIDERATION OF STRAT-
23 EGY IN ACQUISITION PLANS.—Section 2440 of such title
24 is amended by inserting after “base” the following: “, in

1 accordance with the strategy required by section 2501 of
2 this title.”.

3 (d) CONFORMING AMENDMENTS.—Section 852 of the
4 National Defense Authorization Act for Fiscal Year 2012
5 (Public Law 112–81; 125 Stat. 1517; 10 U.S.C. 2504
6 note) is amended—

7 (1) by striking subsection (c); and

8 (2) by redesignating subsection (d) as sub-
9 section (c), and in that subsection by striking “sub-
10 section (c).” in the first sentence and inserting “sec-
11 tion 2501 of title 10, United States Code.”.

12 **Subtitle B—Department of Defense**
13 **Activities Related to Small Busi-**
14 **ness Matters**

15 **SEC. 1611. PILOT PROGRAM TO ASSIST IN THE GROWTH**
16 **AND DEVELOPMENT OF ADVANCED SMALL**
17 **BUSINESS CONCERNS.**

18 (a) ESTABLISHMENT OF PILOT PROGRAM.—The Sec-
19 retary of Defense shall establish a pilot program within
20 the Department of Defense to assist in the growth and
21 development of advanced small business concerns in ac-
22 cordance with this section.

23 (b) REQUIREMENTS OF PILOT PROGRAM.—

24 (1) RESTRICTED COMPETITION FOR CERTAIN
25 CONTRACTS.—Under the pilot program and except

1 as provided under paragraph (2)(B), competition for
2 contract awards may be restricted to advanced small
3 business concerns if—

4 (A) the anticipated award price of the con-
5 tract (including options) is reasonably expected
6 to exceed \$25,000,000;

7 (B) the Procurement Center Representa-
8 tive of the Small Business Administration or
9 the Director of Small Business Programs of the
10 Department of Defense determines that, if the
11 contract were not awarded under the pilot pro-
12 gram, the contract would likely be awarded to
13 an entity other than a small business concern;

14 (C) there is a reasonable expectation that
15 at least two advanced small business concerns
16 will submit offers with respect to the contract;

17 (D) such advanced small business concerns
18 agree to the requirements specified in section
19 15(o) of the Small Business Act (15 U.S.C.
20 644(o)) (relating to percentage of work under
21 the contract to be performed by the concern),
22 except that work performed by other advanced
23 small business concerns or by small business
24 concerns shall be considered as work performed

1 by the prime contractor for purposes of such re-
2 quirements; and

3 (E) the contract award can be made at a
4 fair market price.

5 (2) ELIGIBILITY.—

6 (A) ADVANCED SMALL BUSINESS CON-
7 CERN.—An entity shall be considered an ad-
8 vanced small business concern and eligible for
9 participation in the pilot program if the enti-
10 ty—

11 (i) is independently owned and oper-
12 ated and is not dominant in its field of op-
13 eration; and

14 (ii) has fewer than—

15 (I) twice the number of employ-
16 ees the Small Business Administration
17 has assigned as a size standard to the
18 North American Industrial Classifica-
19 tion Standard code in which the entity
20 is operating; or

21 (II) three times the average an-
22 nual receipts the Small Business Ad-
23 ministration has assigned as a size
24 standard to the North American In-

1 dustrial Classification Standard code
2 in which the entity is operating.

3 (B) SMALL BUSINESS CONCERN.—Not-
4 withstanding paragraph (1), a small business
5 concern may submit an offer for any contract
6 under the pilot program.

7 (3) CONSIDERATION AND NOTICE TO PUBLIC.—
8 With respect to a contract opportunity determined to
9 meet the criteria specified in paragraph (1), a con-
10 tracting officer for the Department of Defense
11 shall—

12 (A) consider awarding a contract under the
13 pilot program before using full and open com-
14 petition for such contract; and

15 (B) provide notice of the contract oppor-
16 tunity (including the eligibility requirements of
17 the contract opportunity) in accordance with
18 the Federal Acquisition Regulation and other
19 applicable guidelines.

20 (4) RELATIONSHIP TO SMALL BUSINESS ACT
21 PROGRAMS.—

22 (A) An advanced small business concern
23 shall not be eligible for any assistance provided
24 to small businesses by the Small Business Act
25 (15 U.S.C. 637 et seq.) or the Small Business

1 Investment Act of 1958 22 (15 U.S.C. 661 et
2 seq.), unless eligibility is expressly provided
3 through the pilot program established by this
4 Act, and contracts awarded pursuant to the
5 pilot program shall not be counted toward the
6 achievement of the small business prime or sub-
7 contracting goals established by the Small Busi-
8 ness Act (15 U.S.C. 644).

9 (B) An advanced small business concern
10 shall enter into a subcontracting plan in accord-
11 ance with section 8(d) of the Small Business
12 Act (15 U.S.C. 637(d)).

13 (C) Nothing in this section authorizes a
14 Procurement Center Representative or an em-
15 ployee of the Office of Small Business Pro-
16 grams to provide assistance to advanced small
17 business concerns or to advocate for the restric-
18 tion of competition to advanced small business
19 concerns.

20 (e) IMPLEMENTATION.—Not later than 180 days
21 after the date of the enactment of this Act, the Secretary
22 of Defense, in consultation with the Administrator of the
23 Small Business Administration, shall develop and issue
24 guidance to implement the pilot program. The guidance
25 shall—

1 (1) identify criteria under which the pilot pro-
2 gram is evaluated, including a methodology to collect
3 data during the course of the pilot program to facili-
4 tate an assessment at the conclusion of the pilot pro-
5 gram;

6 (2) permit a self-certification for eligibility for
7 participation in the pilot program;

8 (3) ensure that any self-certification requires
9 the concern involved to meet the requirements of the
10 Small Business Administration regarding ownership,
11 control, and affiliation (as set forth in section
12 121.103 of title 13 of the Code of Federal Regula-
13 tions);

14 (4) establish an appeals process to handle chal-
15 lenges to self-certifications of advanced small busi-
16 ness concerns, with the certification of eligibility re-
17 siding with the Small Business Administration's Of-
18 fice of Hearings and Appeals;

19 (5) identify a method to reimburse the Small
20 Business Administration for additional costs to the
21 Administration relating to such self-certifications;

22 (6) establish a methodology for identifying and
23 tracking program participants, including reporting
24 on contracts awarded to program participants using
25 the Federal Procurement Data System; and

1 (7) ensure that the pilot program does not su-
2 persede goals or programs authorized by the Small
3 Business Act (15 U.S.C. 637 et seq.) or the Small
4 Business Investment Act of 1958 22 (15 U.S.C. 661
5 et seq.) or count toward the achievement of the
6 small business prime or subcontracting goals estab-
7 lished by the Small Business Act (15 U.S.C. 644).

8 (d) REPORT TO CONGRESS.—Not later than one year
9 after the date of the enactment of this Act, and annually
10 thereafter for the duration of the pilot program, the Sec-
11 retary of Defense shall submit to the appropriate congres-
12 sional committees a report on the pilot program that in-
13 cludes each of the following:

14 (1) The number of contracts awarded in the
15 prior year under the pilot program.

16 (2) The value of the contracts awarded under
17 the pilot program and a description of the work car-
18 ried out under such contracts.

19 (3) The number of program participants under
20 the pilot program.

21 (4) An assessment of the success of the pilot
22 program based on the criteria described in sub-
23 section (c)(1).

24 (5) Such recommendations as the Secretary
25 considers appropriate, including a recommendation

1 regarding whether to extend the pilot program or
2 terminate it early.

3 (e) TERMINATION.—The pilot program shall termi-
4 nate on the date that is three years after the date on which
5 the guidance for the pilot program is issued pursuant to
6 subsection (c).

7 (f) DEFINITIONS.—In this section:

8 (1) ADVANCED SMALL BUSINESS CONCERN.—
9 The term “advanced small business concern” means
10 an entity that meets the requirements specified in
11 subsection (b)(2)(A).

12 (2) APPROPRIATE CONGRESSIONAL COMMIT-
13 TEES.—The term “appropriate congressional com-
14 mittees” means each of the following:

15 (A) The Committees on Armed Services
16 and on Small Business and Entrepreneurship of
17 the Senate.

18 (B) The Committees on Armed Services
19 and on Small Business of the House of Rep-
20 resentatives.

21 (3) OFFICE OF SMALL BUSINESS PROGRAMS.—
22 The term “Office of Small Business Programs”
23 means the Office of Small Business Programs de-
24 scribed in section 144(b) of title 10, United States
25 Code.

1 (4) PILOT PROGRAM.—The term “pilot pro-
2 gram” means the program established by the Sec-
3 retary of Defense under subsection (a).

4 (5) PROCUREMENT CENTER REPRESENTA-
5 TIVE.—The term “Procurement Center Representa-
6 tive” has the meaning provided in section 15 of the
7 Small Business Act (15 U.S.C. 644).

8 (6) SMALL BUSINESS CONCERN.—The term
9 “small business concern” has the meaning provided
10 under section 3(a) of the Small Business Act (15
11 U.S.C. 632(a)).

12 **SEC. 1612. ROLE OF THE DIRECTORS OF SMALL BUSINESS**
13 **PROGRAMS IN REQUIREMENTS DEVELOP-**
14 **MENT AND ACQUISITION DECISION PROC-**
15 **ESSES OF THE DEPARTMENT OF DEFENSE.**

16 (a) GUIDANCE REQUIRED.—The Secretary of De-
17 fense shall develop and issue guidance to ensure that the
18 head of each Office of Small Business Programs in the
19 Department of Defense is a participant in requirements
20 development and acquisition decision processes—

21 (1) of the Department, in the case of the Direc-
22 tor of Small Business Programs in the Department
23 of Defense; and

24 (2) of the military department concerned, in the
25 case of the Director of Small Business Programs in

1 the Department of the Army, in the Department of
2 the Navy, and in the Department of the Air Force.

3 (b) MATTERS TO BE INCLUDED.—Such guidance
4 shall, at a minimum—

5 (1) require the Director of Small Business Pro-
6 grams in the Department of Defense—

7 (A) to serve as an advisor to the Defense
8 Acquisition Board; and

9 (B) to serve as an advisor to the Informa-
10 tion Technology Acquisition Board; and

11 (2) require coordination between the chiefs of
12 the Armed Forces and the service acquisition execu-
13 tives, as appropriate (or their designees), and the
14 Director of Small Business Programs in each mili-
15 tary department during the process for approval
16 of—

17 (A) a requirements document, as defined
18 in section 2547 of title 10, United States Code;

19 and

20 (B) acquisition strategies or plans.

21 **SEC. 1613. SMALL BUSINESS ADVOCATE FOR DEFENSE**
22 **AUDIT AGENCIES.**

23 (a) SMALL BUSINESS ADVOCATE.—Subchapter II of
24 chapter 8 of title 10, United States Code, is amended by
25 adding at the end the following new section:

1 **“§ 204. Small Business Advocate for defense audit**
2 **agencies**

3 “(a) SMALL BUSINESS ADVOCATE.—The Secretary
4 of Defense shall designate within each defense audit agen-
5 cy an official as the Small Business Advocate to have the
6 duties described in subsection (b) and such other respon-
7 sibilities as may be determined by the Secretary.

8 “(b) DUTIES.—The Small Business Advocate at a de-
9 fense audit agency shall—

10 “(1) advise the Director of the defense audit
11 agency on all issues related to small business con-
12 cerns;

13 “(2) serve as the defense audit agency’s pri-
14 mary point of contact and source of information for
15 small business concerns; and

16 “(3) collect relevant data and monitor the de-
17 fense audit agency’s conduct of audits of small busi-
18 ness concerns, including—

19 “(A) monitoring the timeliness of audit
20 closeouts for small business concerns; and

21 “(B) monitoring the responsiveness of the
22 agency to issues or other matters raised by
23 small business concerns; and

24 “(4) develop and implement processes and pro-
25 cedures to improve the performance of the defense
26 audit agency related to the timeliness of audits of

1 small business concerns and the responsiveness of
 2 the agency to issues or other matters raised by small
 3 business concerns.

4 “(c) DEFENSE AUDIT AGENCY DEFINED.—In this
 5 section, the term ‘defense audit agency’ means the De-
 6 fense Contract Audit Agency and the Defense Contract
 7 Management Agency.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
 9 at the beginning of chapter 8 of such title is amended by
 10 inserting after the item relating to section 203 the fol-
 11 lowing new item:

“204. Small Business Advocate for defense audit agencies.”.

12 **SEC. 1614. INDEPENDENT ASSESSMENT OF FEDERAL PRO-**
 13 **CUREMENT CONTRACTING PERFORMANCE**
 14 **OF THE DEPARTMENT OF DEFENSE.**

15 (a) ASSESSMENT REQUIRED.—Not later than 60
 16 days after the date of the enactment of this Act, the Sec-
 17 retary of Defense shall enter into a contract with a feder-
 18 ally funded research and development center to conduct
 19 an independent assessment of the Department’s procure-
 20 ment performance related to small business concerns.

21 (b) MATTERS COVERED.—The assessment under
 22 subsection (a) shall, at a minimum, include—

23 (1) a description of the industrial composition
 24 of companies receiving subcontracts pursuant to the
 25 test program for the negotiation of comprehensive

1 small business subcontracting plans pursuant to sec-
2 tion 834 of the National Defense Authorization Act
3 for Fiscal Years 1990 and 1991 (Public Law 101-
4 189; 15 U.S.C. 637 note);

5 (2) a comparison of the industrial composition
6 of prime contractors participating in such test pro-
7 gram and the industrial composition of all prime
8 contractors of the Department of Defense;

9 (3) a determination of barriers to accurately
10 capturing data on small business prime contracting
11 and subcontracting, including an examination of the
12 reliability of the information technology systems of
13 the Department that are used to track such data;

14 (4) recommendations for improving the quality
15 and availability of data regarding small business
16 prime contracting and subcontracting performance;

17 (5) recommendations to improve and inform ne-
18 gotiations regarding small business contract goals
19 for the Department;

20 (6) an examination of the execution of small
21 business subcontracting plans, including an assess-
22 ment of the degree to which initial teaming agree-
23 ments are not maintained through the performance
24 of contracts;

1 (7) an examination of the extent to which the
2 Department adheres to current policies and guide-
3 lines relating to small business prime contracting
4 and subcontracting goals;

5 (8) recommendations for increasing opportuni-
6 ties for small business concerns owned and con-
7 trolled by service-disabled veterans (as defined by
8 section 3(q) of the Small Business Act (15 U.S.C.
9 632(q)) to do business with the Department of De-
10 fense;

11 (9) an examination of the extent to which the
12 Department bundles, consolidates, or otherwise
13 groups requirements into contracts that are unsuit-
14 able for award to small businesses, and the effects
15 that such practices have on small business participa-
16 tion;

17 (10) recommendations for increasing small
18 business prime contracting and subcontracting op-
19 portunities with the Department; and

20 (11) recommendations for steps that can be
21 taken to prevent abuses and ensuring that small
22 business contracts are in fact going to small busi-
23 nesses.

24 (c) REPORT.—Not later than January 1, 2014, the
25 Secretary shall submit to the congressional defense com-

1 mitted a report on the independent assessment conducted
2 under this section.

3 **SEC. 1615. ASSESSMENT OF SMALL BUSINESS PROGRAMS**
4 **TRANSITION.**

5 (a) INDEPENDENT REVIEW AND ASSESSMENT.—Not
6 later than 30 days after the date of the enactment of this
7 Act, the Secretary of Defense shall select an appropriate
8 entity outside the Department of Defense to conduct an
9 independent review and assessment of the transition of
10 technologies developed by small business, such as those de-
11 veloped under the Small Business Innovation Research
12 Program, into major weapon systems and major auto-
13 mated information systems for the Department of De-
14 fense.

15 (b) ELEMENTS.—The review and assessment re-
16 quired by subsection (a) shall include the following:

17 (1) An analysis of a representative sample of
18 major weapon systems and major automated infor-
19 mation systems to determine the content of the sys-
20 tems from small businesses, including components
21 transitioned from the Small Business Innovation Re-
22 search Program.

23 (2) An analysis of established or ad hoc proc-
24 esses to allow program offices to monitor, evaluate,

1 and transition small business-developed technologies
2 into their program.

3 (3) Recommendations for developing a system-
4 atic and sustained process for monitoring, evalu-
5 ating, and transitioning small business-developed
6 technologies for use by the entire defense acquisition
7 system of the Department of Defense, including data
8 collection and measures of effectiveness and per-
9 formance.

10 (c) REPORT.—

11 (1) REPORT REQUIRED.—Not later than 120
12 days after the date of the enactment of this Act, the
13 entity conducting the review and assessment under
14 subsection (a) shall submit to the Secretary and the
15 congressional defense committees a report con-
16 taining—

17 (A) the results of the review and assess-
18 ment; and

19 (B) recommendations for improving the
20 process for managing the transition and inte-
21 gration of technologies developed by small busi-
22 ness (including under the Small Business Inno-
23 vation Research Program) into major weapons
24 systems and major automated information sys-
25 tems.

1 (2) ADDITIONAL EVALUATION REQUIRED.—Not
2 later than 30 days after the date on which the con-
3 gressional defense committees receive the report re-
4 quired by paragraph (1), the Secretary shall submit
5 to such committees an evaluation by the Secretary
6 of the results and recommendations contained in
7 such report.

8 (d) SBIR PROGRAM DEFINED.—In this section, the
9 term “Small Business Innovation Research Program” has
10 the meaning provided such term by section 2500(11) of
11 title 10, United States Code.

12 **SEC. 1616. ADDITIONAL RESPONSIBILITIES OF INSPECTOR**
13 **GENERAL OF THE DEPARTMENT OF DE-**
14 **FENSE.**

15 (a) REQUIREMENT FOR PEER REVIEWS.—Section
16 8(c) of the Inspector General Act of 1978 (5 U.S.C. App.)
17 is amended—

18 (1) by striking “and” at the end of paragraph
19 (8);

20 (2) by striking the period and inserting “; and”
21 at the end of paragraph (9); and

22 (3) by adding at the end the following new
23 paragraph:

24 “(10) conduct peer reviews of Department of
25 Defense audit agencies in accordance with and in

1 such frequency as provided by Government auditing
2 standards as established by the Comptroller General
3 of the United States.”.

4 (b) REQUIREMENT FOR ADDITIONAL INFORMATION
5 IN SEMIANNUAL REPORTS.—Section 8(f) of such Act is
6 amended by striking paragraph (1) and inserting the fol-
7 lowing:

8 “(1) Each semiannual report prepared by the Inspec-
9 tor General of the Department of Defense under section
10 5(a) shall be transmitted by the Secretary of Defense to
11 the Committees on Armed Services and on Homeland Se-
12 curity and Governmental Affairs of the Senate and the
13 Committees on Armed Services and on Oversight and Gov-
14 ernment Reform of the House of Representatives and to
15 other appropriate committees or subcommittees of Con-
16 gress. Each such report shall include—

17 “(A) information concerning the numbers and
18 types of contract audits conducted by the Depart-
19 ment during the reporting period; and

20 “(B) information concerning any Department of
21 Defense audit agency that, during the reporting pe-
22 riod, has either failed an audit or is overdue for a
23 peer review required to be conducted in accordance
24 with subsection (c)(10).”.

1 **SEC. 1617. RESTORATION OF 1 PERCENT FUNDING FOR AD-**
2 **MINISTRATIVE EXPENSES OF COMMER-**
3 **CIALIZATION READINESS PROGRAM OF DE-**
4 **PARTMENT OF DEFENSE.**

5 (a) RESTORATION.—Section 9(y) of the Small Busi-
6 ness Act (15 U.S.C. 638(y)), as amended by section
7 5141(b)(1)(B) of the National Defense Authorization Act
8 for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
9 1853) is amended—

10 (1) by redesignating paragraphs (4) and (5) as
11 paragraphs (5) and (6), respectively; and

12 (2) by inserting after paragraph (3) the fol-
13 lowing new paragraph (4):

14 “(4) FUNDING.—For payment of expenses in-
15 curred to administer the Commercialization Readiness
16 Program under this subsection, the Secretary
17 of Defense and each Secretary of a military depart-
18 ment is authorized to use not more than an amount
19 equal to 1 percent of the funds available to the De-
20 partment of Defense or the military department pur-
21 suant to the Small Business Innovation Research
22 Program. Such funds shall not be used to make
23 Phase III awards.”.

24 (b) TECHNICAL AMENDMENT.—Section
25 5141(b)(3)(B) of the National Defense Authorization Act

1 for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
2 1854) is amended—

3 (1) by striking “subsection (y)—” and all that
4 follows through “the following:” and inserting “sub-
5 section (y), by amending paragraph (4) to read as
6 follows:”

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall take effect as of January 1, 2012.

9 **Subtitle C—Matters Relating to**
10 **Small Business Concerns**

11 **PART I—PROCUREMENT CENTER**

12 **REPRESENTATIVES**

13 **SEC. 1621. PROCUREMENT CENTER REPRESENTATIVES.**

14 (a) IN GENERAL.—Section 15(l) of the Small Busi-
15 ness Act (15 U.S.C. 644(l)) is amended by striking the
16 subsection enumerator and inserting the following:

17 “(l) PROCUREMENT CENTER REPRESENTATIVES.—
18 ”.

19 (b) ASSIGNMENT AND ROLE.—Paragraph (1) of sec-
20 tion 15(l) of such Act (15 U.S.C. 644(l)) is amended to
21 read as follows:

22 “(1) ASSIGNMENT AND ROLE.—The Adminis-
23 trator shall assign to each major procurement center
24 a procurement center representative with such as-
25 sistance as may be appropriate.”.

1 (c) ACTIVITIES.—Section 15(l)(2) of such Act (15
2 U.S.C. 644(l)(2)) is amended—

3 (1) in the matter preceding subparagraph (A)
4 by striking “(2) In addition to carrying out the re-
5 sponsibilities assigned by the Administration, a
6 breakout” and inserting the following:

7 “(2) ACTIVITIES.—A”;

8 (2) by striking subparagraph (A) and inserting
9 the following:

10 “(A) attend any provisioning conference or
11 similar evaluation session during which a deter-
12 mination may be made with respect to the pro-
13 curement method to be used to satisfy a re-
14 quirement, review any acquisition plan with re-
15 spect to a requirement, and make recommenda-
16 tions regarding procurement method determina-
17 tions and acquisition plans;”;

18 (3) in subparagraph (B)—

19 (A) by striking “(B) review, at any time,
20 restrictions on competition” and inserting the
21 following:

22 “(B) review, at any time, barriers to small
23 business participation in Federal contracting”;

24 (B) by striking “items” and inserting
25 “goods and services”; and

1 (C) by striking “limitations” and inserting
2 “barriers”;

3 (4) in subparagraph (C) by striking “(C) review
4 restrictions on competition” and inserting the fol-
5 lowing:

6 “(C) review barriers to small business par-
7 ticipation in Federal contracting”;

8 (5) by striking subparagraph (D) and inserting
9 the following:

10 “(D) review any bundled or consolidated
11 solicitation or contract in accordance with this
12 Act;”;

13 (6) by striking subparagraph (E) and inserting
14 the following:

15 “(E) have electronic access to procurement
16 records, acquisition plans developed or in devel-
17 opment, and other data of the procurement cen-
18 ter commensurate with the level of such rep-
19 resentative’s approve security clearance classi-
20 fication;” and

21 (7) by striking subparagraphs (F) and (G) and
22 inserting the following:

23 “(F) receive, from personnel responsible
24 for reviewing unsolicited proposals, copies of
25 unsolicited proposals from small business con-

1 cerns and any information on outcomes relating
2 to such proposals;

3 “(G) participate in any session or planning
4 process and review any documents with respect
5 to a decision to convert an activity performed
6 by a small business concern to an activity per-
7 formed by a Federal employee;

8 “(H) be an advocate for the maximum
9 practicable utilization of small business con-
10 cerns in Federal contracting, including by advo-
11 cating against the bundling of contract require-
12 ments when not justified; and

13 “(I) carry out any other responsibility as-
14 signed by the Administrator.”.

15 (d) APPEALS.—Section 15(l)(3) of such Act (15
16 U.S.C. 644(l)(3)) is amended by striking “(3) A breakout
17 procurement center representative” and inserting the fol-
18 lowing:

19 “(3) APPEALS.—A procurement center rep-
20 resentative”.

21 (e) NOTIFICATION AND INCLUSION.—Paragraph (4)
22 of section 15(l) of such Act (15 U.S.C. 644(l)) is amended
23 to read as follows:

24 “(4) NOTIFICATION AND INCLUSION.—Agency
25 heads shall ensure that procurement center rep-

1 representatives are included in applicable acquisition
2 planning processes.”.

3 (f) POSITION REQUIREMENTS.—Section 15(l)(5) of
4 such Act (15 U.S.C. 644(l)(5)) is amended—

5 (1) by striking the paragraph enumerator and
6 inserting the following:

7 “(5) POSITION REQUIREMENTS.—”;

8 (2) by striking subparagraphs (A) and (B) and
9 inserting the following:

10 “(A) IN GENERAL.—A procurement center
11 representative assigned under this subsection
12 shall—

13 “(i) be a full-time employee of the Ad-
14 ministration;

15 “(ii) be fully qualified, technically
16 trained, and familiar with the goods and
17 services procured by the major procure-
18 ment center to which that representative is
19 assigned; and

20 “(iii) have a Level III Federal Acqui-
21 sition Certification in Contracting (or any
22 successor certification) or the equivalent
23 Department of Defense certification, ex-
24 cept that any person serving in such a po-
25 sition on the date of enactment of this

1 clause may continue to serve in that posi-
2 tion for a period of 5 years without the re-
3 quired certification.”; and

4 (3) in subparagraph (C) by striking “(C) The
5 Administration shall establish personnel positions for
6 breakout procurement representatives and advisers
7 assigned pursuant to” and inserting the following:

8 “(B) COMPENSATION.—The Administrator
9 shall establish personnel positions for procure-
10 ment center representatives assigned under”.

11 (g) MAJOR PROCUREMENT CENTER DEFINED.—Sec-
12 tion 15(l)(6) of such Act (15 U.S.C. 644(l)(6)) is amend-
13 ed—

14 (1) by striking “(6) For purposes” and insert-
15 ing the following:

16 “(6) MAJOR PROCUREMENT CENTER DE-
17 FINED.—For purposes”; and

18 (2) by striking “other than commercial items
19 and which has the potential to incur significant sav-
20 ings as the result of the placement of a breakout
21 procurement center representative” and inserting
22 “goods or services, including goods or services that
23 are commercially available”.

24 (h) TRAINING.—Section 15(l)(7) of such Act (15
25 U.S.C. 644(l)(7)) is amended—

1 (1) by striking the paragraph enumerator and
2 inserting the following:

3 “(7) TRAINING.—”;

4 (2) by striking subparagraph (A) and inserting
5 the following:

6 “(A) AUTHORIZATION.—At such times as
7 the Administrator deems appropriate, a pro-
8 curement center representative shall provide
9 training for contracting officers, other appro-
10 priate personnel of the procurement center to
11 which such representative is assigned, and small
12 businesses groups seeking to do business with
13 such procurement center. Such training shall
14 acquaint the participants with the provisions of
15 this subsection and shall instruct the partici-
16 pants in methods designed to further the pur-
17 poses of this subsection.

18 “(B) LIMITATION.—A procurement center
19 representative may provide training under sub-
20 paragraph (A) only to the extent that the train-
21 ing does not interfere with the representative
22 carrying out other activities under this sub-
23 section.”; and

24 (3) in subparagraph (B)—

1 (A) by striking “(B) The breakout pro-
2 curement center representative” and inserting
3 the following:

4 “(8) ANNUAL BRIEFING AND REPORT.—A pro-
5 curement center representative”; and

6 (B) by striking “sixty” and inserting “60”.

7 **SEC. 1622. SMALL BUSINESS ACT CONTRACTING REQUIRE-**
8 **MENTS TRAINING.**

9 (a) ESTABLISHMENT.—Not later than 1 year after
10 the date of enactment of this part, the Defense Acquisition
11 University and the Federal Acquisition Institute shall each
12 provide a course on contracting requirements under the
13 Small Business Act, including the requirements for small
14 business concerns owned and controlled by service-disabled
15 veterans, qualified HUBZone small business concerns,
16 small business concerns owned and controlled by socially
17 and economically disadvantaged individuals, and small
18 business concerns owned and controlled by women.

19 (b) COURSE REQUIRED.—To have a Federal Acquisi-
20 tion Certification in Contracting (or any successor certifi-
21 cation) or the equivalent Department of Defense certifi-
22 cation an individual shall be required to complete the
23 course established under subsection (a).

24 (c) REQUIREMENT THAT BUSINESS OPPORTUNITY
25 SPECIALISTS BE CERTIFIED.—Section 7(j)(10)(D)(i) of

1 the Small Business Act (15 U.S.C. 636(j)(10)(D)(i)) is
2 amended by inserting after “to assist such Program Par-
3 ticipant.” the following: “The Business Opportunity Spe-
4 cialist shall have a Level I Federal Acquisition Certifi-
5 cation in Contracting (or any successor certification) or
6 the equivalent Department of Defense certification, except
7 that a Business Opportunity Specialist serving at the time
8 of the date of enactment of the Small Business Oppor-
9 tunity Act of 2012 may continue to serve as a Business
10 Opportunity Specialist for a period of 5 years beginning
11 on that date of enactment without such a certification.”.

12 (d) GAO REPORT.—Not later than 365 days after
13 the date of enactment of this part, the Comptroller Gen-
14 eral of the United States shall conduct a study and submit
15 a report to the Committee on Small Business of the House
16 of Representatives and the Committee on Small Business
17 and Entrepreneurship of the Senate on the relationship
18 between the size and quality of the acquisition workforce
19 and the Federal government’s ability to maximize the utili-
20 zation of small businesses in Federal procurement. The
21 report shall specifically address the following:

22 (1) The extent to which training on small busi-
23 ness contracting laws affects a contracting officer’s
24 determination to use one of the contracting authori-
25 ties provided in the Small Business Act.

1 (2) The relationship between a robust Federal
2 acquisition workforce and small business success in
3 obtaining Federal contracting opportunities.

4 (3) The effect on economic growth if small busi-
5 nesses experienced a significant reduction in small
6 business procurement activities.

7 (4) The effect of the anticipated acceleration of
8 retirements by the acquisition workforce on small
9 business procurement opportunities.

10 **SEC. 1623. ACQUISITION PLANNING.**

11 Section 15(e)(1) of the Small Business Act (15
12 U.S.C. 644(e)(1)) is amended—

13 (1) by striking “the various agencies” and in-
14 serting “a Federal department or agency”; and

15 (2) by striking the period and inserting “and
16 each such Federal department or agency shall—

17 “(A) enumerate opportunities for the par-
18 ticipation of small business concerns during all
19 acquisition planning processes and in all acqui-
20 sition plans;

21 “(B) invite the participation of the appro-
22 priate Director of Small and Disadvantaged
23 Business Utilization in all acquisition planning
24 processes and provide that Director access to all
25 acquisition plans in development; and

1 “(C) invite the participation of the appro-
2 priate procurement center representative in all
3 acquisition planning processes and provide that
4 representative access to all acquisition plans in
5 development.”.

6 **PART II—GOALS FOR PROCUREMENT CON-**
7 **TRACTS AWARDED TO SMALL BUSINESS**
8 **CONCERNS**

9 **SEC. 1631. GOALS FOR PROCUREMENT CONTRACTS AWARD-**
10 **ED TO SMALL BUSINESS CONCERNS.**

11 (a) IN GENERAL.—Section 15(g) of the Small Busi-
12 ness Act (15 U.S.C. 644(g)) is amended by striking the
13 subsection enumerator and inserting the following:

14 “(g) GOALS FOR PROCUREMENT CONTRACTS
15 AWARDED TO SMALL BUSINESS CONCERNS.—”.

16 (b) GOVERNMENTWIDE GOALS.—Paragraph (1) of
17 section 15(g) of such Act (15 U.S.C. 644(g)) is amended
18 to read as follows:

19 “(1) GOVERNMENTWIDE GOALS.—The Presi-
20 dent shall annually establish Governmentwide goals
21 for procurement contracts awarded to small business
22 concerns, small business concerns owned and con-
23 trolled by service-disabled veterans, qualified
24 HUBZone small business concerns, small business
25 concerns owned and controlled by socially and eco-

1 nominically disadvantaged individuals, and small busi-
2 ness concerns owned and controlled by women in ac-
3 cordance with the following:

4 “(A) The Governmentwide goal for partici-
5 pation by small business concerns shall be es-
6 tablished at not less than 25 percent of the
7 total value of all prime contract awards for each
8 fiscal year and 40 percent of the total value of
9 all subcontract awards for each fiscal year.

10 “(B) The Governmentwide goal for partici-
11 pation by small business concerns owned and
12 controlled by service-disabled veterans shall be
13 established at not less than 3 percent of the
14 total value of all prime contract and at not less
15 than 3 percent of the total value of all sub-
16 contract awards for each fiscal year.

17 “(C) The Governmentwide goal for partici-
18 pation by qualified HUBZone small business
19 concerns shall be established at not less than 3
20 percent of the total value of all prime contract
21 and at not less than 3 percent of the total value
22 of all subcontract awards for each fiscal year.

23 “(D) The Governmentwide goal for partici-
24 pation by small business concerns owned and
25 controlled by socially and economically dis-

1 advantaged individuals shall be established at
2 not less than 5 percent of the total value of all
3 prime contract and at not less than 5 percent
4 of the total value of all subcontract awards for
5 each fiscal year.

6 “(E) The Governmentwide goal for partici-
7 pation by small business concerns owned and
8 controlled by women shall be established at not
9 less than 5 percent of the total value of all
10 prime contract and at not less than 5 percent
11 of the total value of all subcontract awards for
12 each fiscal year.”.

13 (c) AGENCY GOALS.—Paragraph (2) of section 15(g)
14 of such Act (15 U.S.C. 644(g)) is amended to read as fol-
15 lows:

16 “(2) AGENCY GOALS.—

17 “(A) ESTABLISHMENT.—The head of each
18 Federal agency shall annually establish, for the
19 agency that individual heads, goals for procure-
20 ment contracts awarded to small business con-
21 cerns, small business concerns owned and con-
22 trolled by service-disabled veterans, qualified
23 HUBZone small business concerns, small busi-
24 ness concerns owned and controlled by socially
25 and economically disadvantaged individuals, and

1 small business concerns owned and controlled
2 by women.

3 “(B) RELATIONSHIP TO GOVERNMENT-
4 WIDE GOALS.—

5 “(i) SCOPE.—The goals established by
6 the head of a Federal agency under sub-
7 paragraph (A) shall be in the same format
8 as the goals established by the President
9 under paragraph (1) and shall address
10 both prime contract and subcontract
11 awards.

12 “(ii) REQUIREMENT PERTAINING TO
13 AGENCY GOALS.—With respect to each
14 goal for a fiscal year established under
15 subparagraph (A) for a category of small
16 business concern, the participation percent-
17 age applicable to such goal may not be less
18 than the participation percentage applica-
19 ble to the Governmentwide goal for such
20 fiscal year established under paragraph (1)
21 for such category.

22 “(C) CONSULTATION REQUIRED.—

23 “(i) IN GENERAL.—In establishing
24 goals under subparagraph (A), the head of

1 each Federal agency shall consult with the
2 Administrator.

3 “(ii) DISAGREEMENTS.—Except as
4 provided by clause (iii), if the Adminis-
5 trator and the head of a Federal agency
6 fail to agree on a goal established under
7 subparagraph (A), the disagreement shall
8 be submitted to the Administrator for Fed-
9 eral Procurement Policy for final deter-
10 mination.

11 “(iii) AGENCY GOALS OF THE DE-
12 PARTMENT OF DEFENSE.—In the case of a
13 goal proposed by the Secretary of Defense
14 that is lower than a goal established dur-
15 ing the preceding fiscal year for the De-
16 partment of the Defense and for which the
17 Administrator does not agree, the disagree-
18 ment shall be submitted to the Adminis-
19 trator for Federal Procurement Policy for
20 final determination.

21 “(D) PLAN FOR ACHIEVING GOALS.—After
22 establishing goals under subparagraph (A) for a
23 fiscal year, the head of each Federal agency
24 shall develop a plan for achieving such goals,

1 which shall apportion responsibilities among the
2 agency’s acquisition executives and officials.

3 “(E) EXPANDED PARTICIPATION.—In es-
4 tablishing goals under subparagraph (A), the
5 head of each Federal agency shall make a con-
6 sistent effort to annually expand participation
7 by small business concerns from each industry
8 category in procurement contracts of such agen-
9 cy, including participation by small business
10 concerns owned and controlled by service-dis-
11 abled veterans, qualified HUBZone small busi-
12 ness concerns, small business concerns owned
13 and controlled by socially and economically dis-
14 advantaged individuals, and small business con-
15 cerns owned and controlled by women.

16 “(F) CONSIDERATION.—The head of each
17 Federal agency, in attempting to attain ex-
18 panded participation under subparagraph (E),
19 shall consider—

20 “(i) contracts awarded as the result of
21 unrestricted competition; and

22 “(ii) contracts awarded after competi-
23 tion restricted to eligible small business
24 concerns under this section and under the
25 program established under section 8(a).

1 “(G) COMMUNICATION REGARDING
2 GOALS.—

3 “(i) IMPORTANCE OF ACHIEVING
4 GOALS.—Each procurement employee or
5 program manager described in clause (ii)
6 shall communicate to the subordinates of
7 the procurement employee or program
8 manager the importance of achieving goals
9 established under subparagraph (A).

10 “(ii) PROCUREMENT EMPLOYEES OR
11 PROGRAM MANAGERS DESCRIBED.—A pro-
12 curement employee or program manager
13 described in this clause is a senior procure-
14 ment executive, senior program manager,
15 or Director of Small and Disadvantaged
16 Business Utilization of a Federal agency
17 having contracting authority.”.

18 (d) ENFORCEMENT; DETERMINATIONS OF THE
19 TOTAL VALUE OF CONTRACT AWARDS.—Section 15(g) of
20 the Small Business Act (15 U.S.C. 644(g)), as amended
21 by this part, is further amended by adding at the end the
22 following:

23 “(3) ENFORCEMENT.—If the Administrator
24 does not issue the report required in subsection
25 (h)(2) on or before the date that is 120 days after

1 the end of the prior fiscal year, the Administrator
2 may not carry out or establish any pilot program
3 until the date on which the Administrator issues the
4 report.

5 “(4) DETERMINATIONS OF THE TOTAL VALUE
6 OF CONTRACT AWARDS.—For purposes of the goals
7 established under paragraphs (1) and (2), the total
8 value of contract awards for a fiscal year may not
9 be determined in a manner that excludes the value
10 of a contract based on—

11 “(A) where the contract is awarded;

12 “(B) where the contract is performed;

13 “(C) whether the contract is mandated by
14 Federal law to be performed by an entity other
15 than a small business concern;

16 “(D) whether funding for the contract is
17 made available in an appropriations Act, if the
18 contract is subject to competitive procedures
19 under chapter 33 of title 41, United States
20 Code; or

21 “(E) whether the contract is subject to the
22 Federal Acquisition Regulation.”.

1 **SEC. 1632. REPORTING ON GOALS FOR PROCUREMENT**
2 **CONTRACTS AWARDED TO SMALL BUSINESS**
3 **CONCERNS.**

4 Subsection (h) of section 15 of the Small Business
5 Act (15 U.S.C. 644) is amended to read as follows:

6 “(h) REPORTING ON GOALS FOR PROCUREMENT
7 CONTRACTS AWARDED TO SMALL BUSINESS CON-
8 CERNS.—

9 “(1) AGENCY REPORTS.—At the conclusion of
10 each fiscal year, the head of each Federal agency
11 shall submit to the Administrator a report describ-
12 ing—

13 “(A) the extent of the participation by
14 small business concerns, small business con-
15 cerns owned and controlled by veterans (includ-
16 ing service-disabled veterans), qualified
17 HUBZone small business concerns, small busi-
18 ness concerns owned and controlled by socially
19 and economically disadvantaged individuals, and
20 small business concerns owned and controlled
21 by women in the procurement contracts of such
22 agency during such fiscal year;

23 “(B) whether the agency achieved the
24 goals established for the agency under sub-
25 section (g)(2)(A) with respect to such fiscal
26 year; and

1 “(C) any justifications for a failure to
2 achieve such goals.

3 “(2) REPORTS BY ADMINISTRATOR.—Not later
4 than 60 days after receiving a report from each Fed-
5 eral agency under paragraph (1) with respect to a
6 fiscal year, the Administrator shall submit to the
7 President and Congress, and to make available on a
8 public website, a report that includes—

9 “(A) a copy of each report submitted to
10 the Administrator under paragraph (1);

11 “(B) a determination of whether each goal
12 established by the President under subsection
13 (g)(1) for such fiscal year was achieved;

14 “(C) a determination of whether each goal
15 established by the head of a Federal agency
16 under subsection (g)(2)(A) for such fiscal year
17 was achieved;

18 “(D) the reasons for any failure to achieve
19 a goal established under paragraph (1) or
20 (2)(A) of subsection (g) for such fiscal year and
21 a description of actions planned by the applica-
22 ble agency to address such failure, including the
23 Administrator’s comments and recommenda-
24 tions on the proposed remediation plan;

1 “(E) for the Federal Government and each
2 Federal agency, an analysis of the number and
3 dollar amount of prime contracts awarded dur-
4 ing such fiscal year to—

5 “(i) small business concerns—

6 “(I) in the aggregate;

7 “(II) through sole source con-
8 tracts;

9 “(III) through competitions re-
10 stricted to small business concerns;

11 and

12 “(IV) through unrestricted com-
13 petition;

14 “(ii) small business concerns owned
15 and controlled by service-disabled vet-
16 erans—

17 “(I) in the aggregate;

18 “(II) through sole source con-
19 tracts;

20 “(III) through competitions re-
21 stricted to small business concerns;

22 “(IV) through competitions re-
23 stricted to small business concerns
24 owned and controlled by service-dis-
25 abled veterans; and

1 “(V) through unrestricted com-
2 petition;

3 “(iii) qualified HUBZone small busi-
4 ness concerns—

5 “(I) in the aggregate;

6 “(II) through sole source con-
7 tracts;

8 “(III) through competitions re-
9 stricted to small business concerns;

10 “(IV) through competitions re-
11 stricted to qualified HUBZone small
12 business concerns;

13 “(V) through unrestricted com-
14 petition where a price evaluation pref-
15 erence was used; and

16 “(VI) through unrestricted com-
17 petition where a price evaluation pref-
18 erence was not used;

19 “(iv) small business concerns owned
20 and controlled by socially and economically
21 disadvantaged individuals—

22 “(I) in the aggregate;

23 “(II) through sole source con-
24 tracts;

1 “(III) through competitions re-
2 stricted to small business concerns;

3 “(IV) through competitions re-
4 stricted to small business concerns
5 owned and controlled by socially and
6 economically disadvantaged individ-
7 uals;

8 “(V) through unrestricted com-
9 petition; and

10 “(VI) by reason of that concern’s
11 certification as a small business
12 owned and controlled by socially and
13 economically disadvantaged individ-
14 uals;

15 “(v) small business concerns owned by
16 an Indian tribe other than an Alaska Na-
17 tive Corporation—

18 “(I) in the aggregate;

19 “(II) through sole source con-
20 tracts;

21 “(III) through competitions re-
22 stricted to small business concerns;

23 “(IV) through competitions re-
24 stricted to small business concerns
25 owned and controlled by socially and

1 economically disadvantaged individ-
2 uals; and

3 “(V) through unrestricted com-
4 petition; and

5 “(vi) small business concerns owned
6 by Native Hawaiian Organization—

7 “(I) in the aggregate;

8 “(II) through sole source con-
9 tracts;

10 “(III) through competitions re-
11 stricted to small business concerns;

12 “(IV) through competitions re-
13 stricted to small business concerns
14 owned and controlled by socially and
15 economically disadvantaged individ-
16 uals; and

17 “(V) through unrestricted com-
18 petition; and

19 “(vii) small business concerns owned
20 by an Alaska Native Corporation—

21 “(I) in the aggregate;

22 “(II) through sole source con-
23 tracts;

24 “(III) through competitions re-
25 stricted to small business concerns;

1 “(IV) through competitions re-
2 stricted to small business concerns
3 owned and controlled by socially and
4 economically disadvantaged individ-
5 uals; and

6 “(V) through unrestricted com-
7 petition; and

8 “(viii) small business concerns owned
9 and controlled by women—

10 “(I) in the aggregate;

11 “(II) through competitions re-
12 stricted to small business concerns;

13 “(III) through competitions re-
14 stricted using the authority under sec-
15 tion 8(m)(2);

16 “(IV) through competitions re-
17 stricted using the authority under sec-
18 tion 8(m)(2) and in which the waiver
19 authority under section 8(m)(3) was
20 used; and

21 “(V) through unrestricted com-
22 petition; and

23 “(F) for the Federal Government and each
24 Federal agency, the number, dollar amount,
25 and distribution with respect to the North

1 American Industry Classification System of
2 subcontracts awarded during such fiscal year to
3 small business concerns, small business con-
4 cerns owned and controlled by service-disabled
5 veterans, qualified HUBZone small business
6 concerns, small business concerns owned and
7 controlled by socially and economically dis-
8 advantaged individuals, and small business con-
9 cerns owned and controlled by women.”.

10 **SEC. 1633. SENIOR EXECUTIVES.**

11 (a) TRAINING.—Programs established for the devel-
12 opment of senior executives under section 3396(a) of title
13 5, United States Code, shall include training with respect
14 to Federal procurement requirements, including con-
15 tracting requirements under the Small Business Act (15
16 U.S.C. 631 et seq.).

17 (b) EVALUATION OF EXECUTIVES.—The head of an
18 agency shall ensure that evaluations of members of the
19 senior executive service, as defined under section 3396(a)
20 of title 5, United States Code, responsible for acquisition,
21 other senior officials responsible for acquisition, and other
22 members of the senior executive service, as appropriate,
23 include consideration of the agency’s success in achieving
24 small business contracting goals and percentages. Such

1 evaluations shall, as a minimum, consider the extent to
2 which the executive—

3 (1) promotes a climate or environment that is
4 responsive to small business concerns;

5 (2) communicates the importance of achieving
6 the agency’s small business contracting goals; and

7 (3) encourages small business awareness, out-
8 reach, and support.

9 (c) DEFINITIONS.—In this section the term “respon-
10 sible for acquisition”, with respect to a member of the sen-
11 ior executive service or other senior official, means such
12 a member or official who acquires services or supplies, di-
13 rects agency organizations to acquire services or supplies,
14 oversees acquisition officials, including program managers,
15 contracting officers, and other acquisition workforce per-
16 sonnel responsible for formulating and approving acquisi-
17 tion strategies and plans.

18 **PART III—MENTOR-PROTEGE PROGRAM**

19 **SEC. 1641. MENTOR-PROTEGE PROGRAMS.**

20 The Small Business Act (15 U.S.C. 631 et seq.) is
21 amended—

22 (1) by redesignating section 45 as section 46;

23 and

24 (2) by inserting after section 44 the following:

1 **“SEC. 45. MENTOR-PROTEGE PROGRAMS.**

2 “(a) ADMINISTRATION PROGRAM.—

3 “(1) AUTHORITY.—The Administrator is au-
4 thORIZED to establish a mentor-protege program for
5 all small business concerns.

6 “(2) MODEL FOR PROGRAM.—The mentor-pro-
7 tege program established under paragraph (1) shall
8 be identical to the mentor-protege program of the
9 Administration for small business concerns that par-
10 ticipate in the program under section 8(a) of this
11 Act (as in effect on the date of enactment of the Na-
12 tional Defense Authorization Act for Fiscal Year
13 2013), except that the Administrator may modify
14 the program to the extent necessary given the types
15 of small business concerns included as proteges.

16 “(b) PROGRAMS OF OTHER AGENCIES.—

17 “(1) APPROVAL REQUIRED.—Except as pro-
18 vided in paragraph (4), a Federal department or
19 agency may not carry out a mentor-protege program
20 for small business concerns unless—

21 “(A) the head of the department or agency
22 submits a plan to the Administrator for the
23 program; and

24 “(B) the Administrator approves such
25 plan.

1 “(2) BASIS FOR APPROVAL.—The Adminis-
2 trator shall approve or disapprove a plan submitted
3 under paragraph (1) based on whether the program
4 proposed—

5 “(A) will assist proteges to compete for
6 Federal prime contracts and subcontracts; and

7 “(B) complies with the regulations issued
8 under paragraph (3).

9 “(3) REGULATIONS.—Not later than 270 days
10 after the date of enactment of the National Defense
11 Authorization Act for Fiscal Year 2013, the Admin-
12 istrator shall issue, subject to notice and comment,
13 regulations with respect to mentor-protege pro-
14 grams, which shall ensure that such programs im-
15 prove the ability of proteges to compete for Federal
16 prime contracts and subcontracts and which shall
17 address, at a minimum, the following:

18 “(A) Eligibility criteria for program par-
19 ticipants, including any restrictions on the num-
20 ber of mentor-protege relationships permitted
21 for each participant.

22 “(B) The types of developmental assistance
23 to be provided by mentors, including how the
24 assistance provided shall improve the competi-
25 tive viability of the proteges.

1 “(C) Whether any developmental assist-
2 ance provided by a mentor may affect the sta-
3 tus of a program participant as a small busi-
4 ness concern due to affiliation.

5 “(D) The length of mentor-protege rela-
6 tionships.

7 “(E) The effect of mentor-protege relation-
8 ships on contracting.

9 “(F) Benefits that may accrue to a mentor
10 as a result of program participation.

11 “(G) Reporting requirements during pro-
12 gram participation.

13 “(H) Postparticipation reporting require-
14 ments.

15 “(I) The need for a mentor-protege pair, if
16 accepted to participate as a pair in a mentor-
17 protege program of any Federal department or
18 agency, to be accepted to participate as a pair
19 in all Federal mentor-protege programs.

20 “(J) Actions to be taken to ensure benefits
21 for proteges and to protect proteges against ac-
22 tions by the mentor that—

23 “(i) may adversely affect the proteges
24 status as a small business; or

1 “(ii) provide disproportionate eco-
2 nomic benefits to the mentor relative to
3 those provided the protege.

4 “(4) LIMITATION ON APPLICABILITY.—Para-
5 graph (1) does not apply to the following:

6 “(A) Any mentor-protege program of the
7 Department of Defense.

8 “(B) Any mentoring assistance provided
9 under a Small Business Innovation Research
10 Program or a Small Business Technology
11 Transfer Program.

12 “(C) Until the date that is 1 year after the
13 date on which the Administrator issues regula-
14 tions under paragraph (3), any Federal depart-
15 ment or agency operating a mentor-protege pro-
16 gram in effect on the date of enactment of the
17 National Defense Authorization Act for Fiscal
18 Year 2013.

19 “(c) REPORTING.—

20 “(1) IN GENERAL.—Not later than 2 years
21 after the date of enactment of the National Defense
22 Authorization Act for Fiscal Year 2013, and annu-
23 ally thereafter, the Administrator shall submit to the
24 Committee on Small Business of the House of Rep-

1 representatives and the Committee on Small Business
2 and Entrepreneurship of the Senate a report that—

3 “(A) identifies each Federal mentor-pro-
4 tege program;

5 “(B) specifies the number of participants
6 in each such program, including the number of
7 participants that are—

8 “(i) small business concerns;

9 “(ii) small business concerns owned
10 and controlled by service-disabled veterans;

11 “(iii) qualified HUBZone small busi-
12 ness concerns;

13 “(iv) small business concerns owned
14 and controlled by socially and economically
15 disadvantaged individuals; or

16 “(v) small business concerns owned
17 and controlled by women;

18 “(C) describes the type of assistance pro-
19 vided to proteges under each such program;

20 “(D) describes the benefits provided to
21 mentors under each such program; and

22 “(E) describes the progress of proteges
23 under each such program with respect to com-
24 peting for Federal prime contracts and sub-
25 contracts.

1 “(2) PROVISION OF INFORMATION.—The head
2 of each Federal department or agency carrying out
3 a mentor-protege program shall provide to the Ad-
4 ministrator, on an annual basis, the information nec-
5 essary for the Administrator to submit a report re-
6 quired under paragraph (1).

7 “(d) DEFINITIONS.—In this section, the following
8 definitions apply:

9 “(1) MENTOR.—The term ‘mentor’ means a
10 for-profit business concern, of any size, that—

11 “(A) has the ability to assist and commits
12 to assisting a protege to compete for Federal
13 prime contracts and subcontracts; and

14 “(B) satisfies any other requirements im-
15 posed by the Administrator.

16 “(2) MENTOR-PROTEGE PROGRAM.—The term
17 ‘mentor-protege program’ means a program that
18 pairs a mentor with a protege for the purpose of as-
19 sisting the protege to compete for Federal prime
20 contracts and subcontracts.

21 “(3) PROTEGE.—The term ‘protege’ means a
22 small business concern that—

23 “(A) is eligible to enter into Federal prime
24 contracts and subcontracts; and

1 “(B) satisfies any other requirements im-
2 posed by the Administrator.

3 “(e) CURRENT MENTOR PROTEGE AGREEMENTS.—
4 Mentors and proteges with approved agreement in a pro-
5 gram operating pursuant to subsection (b)(4)(C) shall be
6 permitted to continue their relationship according to the
7 terms specified in their agreement until the expiration
8 date specified in the agreement.

9 “(f) SUBMISSION OF AGENCY PLANS.—Agencies op-
10 erating mentor protege programs pursuant to subsection
11 (b)(4)(C) must submit the plans specified in subsection
12 (b)(1)(A) to the Administrator within 6 months of the pro-
13 mulgation of rules required by subsection (b)(3). The Ad-
14 ministrator shall provide initial comments on each plan
15 within 60 days of receipt, and final approval or denial of
16 each plan with 180 days of receipt.”.

17 **SEC. 1642. GOVERNMENT ACCOUNTABILITY OFFICE RE-**
18 **PORT.**

19 Not later than the date that is 2 years after the agen-
20 cies operating subject to section 45(b)(4)(C) of the Small
21 Business Act have their plans approved or denied by the
22 Administrator, the Comptroller General of the United
23 States shall conduct a study to—

1 (1) update the study required by section 1345
2 of the Small Business Jobs Act of 2010 (Pub. Law
3 111–240);

4 (2) examine whether potential affiliation issues
5 between mentors and proteges under the prior pro-
6 grams have been resolved by enactment of this Act;
7 and

8 (3) examine whether the regulations issued pur-
9 suant to section 45(b)(3)(I) of the Small Business
10 Act have increased opportunities for mentor-protege
11 pairs, and if they have decreased the paperwork re-
12 quired for such pairs participating in programs at
13 multiple agencies.

14 **PART IV—TRANSPARENCY IN SUBCONTRACTING**

15 **Subpart A—Limitations on Subcontracting**

16 **SEC. 1651. LIMITATIONS ON SUBCONTRACTING.**

17 The Small Business Act (15 U.S.C. 631 et seq.) is
18 amended—

19 (1) by redesignating section 45 as section 47;
20 and

21 (2) by inserting after section 44 the following:

22 **“SEC. 45. LIMITATIONS ON SUBCONTRACTING.**

23 “(a) IN GENERAL.—If awarded a contract under sec-
24 tion 8(a), 8(m), 15(a), 31, or 36, a covered small business
25 concern—

1 “(1) in the case of a contract for services, may
2 not expend on subcontractors more than 50 percent
3 of the amount paid to the concern under the con-
4 tract;

5 “(2) in the case of a contract for supplies
6 (other than from a regular dealer in such supplies),
7 may not expend on subcontractors more than 50
8 percent of the amount, less the cost of materials,
9 paid to the concern under the contract;

10 “(3) in the case of a contract described in more
11 than 1 of paragraphs (1) through (2)—

12 “(A) shall determine for which category of
13 services or supplies, described in 1 of para-
14 graphs (1) through (4), the greatest percentage
15 of the contract amount is awarded;

16 “(B) shall determine the amount awarded
17 under the contract for that category of services
18 or supplies; and

19 “(C) may not expend on subcontractors,
20 with respect to the amount determined under
21 subparagraph (B), more than—

22 “(i) 50 percent of that amount, if the
23 category of services or supplies applicable
24 under subparagraph (A) is described in
25 paragraph (1); and

1 “(ii) 50 percent of that amount, if the
2 category of services or supplies applicable
3 under subparagraph (A) is described in
4 paragraph (2); and

5 “(4) in the case of a contract for supplies from
6 a regular dealer in such supplies, shall supply the
7 product of a domestic small business manufacturer
8 or processor, unless a waiver of such requirement is
9 granted—

10 “(A) by the Administrator, after reviewing
11 a determination by the applicable contracting
12 officer that no small business manufacturer or
13 processor can reasonably be expected to offer a
14 product meeting the specifications (including
15 period for performance) required by the con-
16 tract; or

17 “(B) by the Administrator for a product
18 (or class of products), after determining that no
19 small business manufacturer or processor is
20 available to participate in the Federal procure-
21 ment market.

22 “(b) SIMILARLY SITUATED ENTITIES.—Contract
23 amounts expended by a covered small business concern on
24 a subcontractor that is a similarly situated entity shall not
25 be considered subcontracted for purposes of determining

1 whether the covered small business concern has violated
2 a requirement established under subsection (a) or (d).

3 “(c) MODIFICATIONS OF PERCENTAGES.—

4 “(1) IN GENERAL.—The Administrator may
5 change, by rule (after providing notice and an oppor-
6 tunity for public comment), a percentage specified in
7 paragraphs (1) through (4) of subsection (a) if the
8 Administrator determines that such change is nec-
9 essary to reflect conventional industry practices
10 among business concerns that are below the numer-
11 ical size standard for businesses in that industry
12 category.

13 “(2) UNIFORMITY.—A change to a percentage
14 under paragraph (1) shall apply to all covered small
15 business concerns.

16 “(d) OTHER CONTRACTS.—

17 “(1) IN GENERAL.—With respect to a category
18 of contracts to which a requirement under sub-
19 section (a) does not apply, the Administrator is au-
20 thorized to establish, by rule (after providing notice
21 and an opportunity for public comment), a require-
22 ment that a covered small business concern may not
23 expend on subcontractors more than a specified per-
24 centage of the amount paid to the concern under a
25 contract in that category.

1 “(2) UNIFORMITY.—A requirement established
2 under paragraph (1) shall apply to all covered small
3 business concerns.

4 “(3) CONSTRUCTION PROJECTS.—The Adminis-
5 trator shall establish, through public rulemaking, re-
6 quirements similar to those specified in paragraph
7 (1) to be applicable to contracts for general and spe-
8 cialty construction and to contracts for any other in-
9 dustry category not otherwise subject to the require-
10 ments of such paragraph. The percentage applicable
11 to any such requirement shall be determined in ac-
12 cordance with paragraph (2).

13 “(e) DEFINITIONS.—In this section, the following
14 definitions apply:

15 “(1) COVERED SMALL BUSINESS CONCERN.—
16 The term ‘covered small business concern’ means a
17 business concern that—

18 “(A) with respect to a contract awarded
19 under section 8(a), is a small business concern
20 eligible to receive contracts under that section;

21 “(B) with respect to a contract awarded
22 under section 8(m)—

23 “(i) is a small business concern owned
24 and controlled by women (as defined in
25 that section); or

1 “(ii) is a small business concern
2 owned and controlled by women (as de-
3 fined in that section) that is not less than
4 51 percent owned by 1 or more women
5 who are economically disadvantaged (and
6 such ownership is determined without re-
7 gard to any community property law);

8 “(C) with respect to a contract awarded
9 under section 15(a), is a small business con-
10 cern;

11 “(D) with respect to a contract awarded
12 under section 31, is a qualified HUBZone small
13 business concern; or

14 “(E) with respect to a contract awarded
15 under section 36, is a small business concern
16 owned and controlled by service-disabled vet-
17 erans.

18 “(2) SIMILARLY SITUATED ENTITY.—The term
19 ‘similarly situated entity’ means a subcontractor
20 that—

21 “(A) if a subcontractor for a small busi-
22 ness concern, is a small business concern;

23 “(B) if a subcontractor for a small busi-
24 ness concern eligible to receive contracts under
25 section 8(a), is such a concern;

1 “(C) if a subcontractor for a small busi-
2 ness concern owned and controlled by women
3 (as defined in section 8(m)), is such a concern;

4 “(D) if a subcontractor for a small busi-
5 ness concern owned and controlled by women
6 (as defined in section 8(m)) that is not less
7 than 51 percent owned by 1 or more women
8 who are economically disadvantaged (and such
9 ownership is determined without regard to any
10 community property law), is such a concern;

11 “(E) if a subcontractor for a qualified
12 HUBZone small business concern, is such a
13 concern; or

14 “(F) if a subcontractor for a small busi-
15 ness concern owned and controlled by service-
16 disabled veterans, is such a concern.”.

17 **SEC. 1652. PENALTIES.**

18 Section 16 of the Small Business Act (15 U.S.C. 645)
19 is amended by adding at the end the following:

20 “(g) SUBCONTRACTING LIMITATIONS.—

21 “(1) IN GENERAL.—Whoever violates a require-
22 ment established under section 45 shall be subject to
23 the penalties prescribed in subsection (d), except
24 that, for an entity that exceeded a limitation on sub-
25 contracting under such section, the fine described in

1 subsection (d)(2)(A) shall be treated as the greater
2 of—

3 “(A) \$500,000; or

4 “(B) the dollar amount expended, in excess
5 of permitted levels, by the entity on subcontractors.
6

7 “(2) MONITORING.—Not later than 1 year after
8 the date of enactment of this subsection, the Administrator shall take such actions as are necessary to
9 ensure that an existing Federal subcontracting reporting system is modified to notify the Administrator,
10 the appropriate Director of the Office of Small and Disadvantaged Business Utilization, and
11 the appropriate contracting officer if a requirement established under section 45 is violated.”.
12
13
14
15

16 **SEC. 1653. CONFORMING AMENDMENTS.**

17 (a) HUBZONES.—Section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)) is amended—

18 (1) in subparagraph (A)(i) by striking subclause (III) and inserting the following:

19 “(III) with respect to any sub-
20 contract entered into by the small
21 business concern pursuant to a contract awarded to the small business
22 concern under section 31, the small
23
24
25

1 business concern will ensure that the
2 requirements of section 45 are satis-
3 fied; and”;

4 (2) by striking subparagraphs (B) and (C); and
5 (3) by redesignating subparagraph (D) as sub-
6 paragraph (B).

7 (b) ENTITIES ELIGIBLE FOR CONTRACTS UNDER
8 SECTION 8(a).—Section 8(a) of such Act (15 U.S.C.
9 637(a)) is amended by striking paragraph (14) and insert-
10 ing the following:

11 “(14) LIMITATIONS ON SUBCONTRACTING.—A
12 concern may not be awarded a contract under this
13 subsection as a small business concern unless the
14 concern agrees to satisfy the requirements of section
15 45.”.

16 (c) SMALL BUSINESS CONCERNS.—Section 15 of
17 such Act (15 U.S.C. 644) is amended by striking sub-
18 section (o) and inserting the following:

19 “(o) LIMITATIONS ON SUBCONTRACTING.—A concern
20 may not be awarded a contract under subsection (a) as
21 a small business concern unless the concern agrees to sat-
22 isfy the requirements of section 45.”.

23 **SEC. 1654. REGULATIONS.**

24 Not later than 180 days after the date of enactment
25 of this Act, the Administrator of the Small Business Ad-

1 ministration shall issue guidance with respect to compli-
2 ance with the changes made to the Small Business Act
3 by the amendments in this part, with opportunities for no-
4 tice and comment.

5 **Subpart B—Subcontracting Plans**

6 **SEC. 1655. SUBCONTRACTING PLANS.**

7 (a) SUBCONTRACTING REPORTING REQUIRE-
8 MENTS.—

9 (1) IN GENERAL.—Section 8(d)(6) of the Small
10 Business Act (15 U.S.C. 637(d)(6)) is amended—

11 (A) by striking “(6) Each subcontracting
12 plan” and inserting the following:

13 “(6) SUBCONTRACTING PLAN REQUIRE-
14 MENTS.—Each subcontracting plan”;

15 (B) by amending subparagraph (E) to read
16 as follows:

17 “(E) assurances that the offeror or bidder
18 will—

19 “(i) submit—

20 “(I) not later than 180 days
21 after the date on which performance
22 under the applicable contract begins,
23 and every 180 days thereafter until
24 contract performance ends, a report
25 that describes all subcontracting ac-

1 activities under the contract during the
2 preceding 180-day period;

3 “(II) not later than 1 year after
4 the date on which performance under
5 the applicable contract begins, and
6 annually thereafter until contract per-
7 formance ends, a report that describes
8 all subcontracting activities under the
9 contract that have occurred before the
10 date on which the report is submitted;
11 and

12 “(III) not later than 30 days
13 after the date on which performance
14 under the applicable contract ends, a
15 report that describes all subcon-
16 tracting activities under the contract;
17 and

18 “(ii) cooperate with any study or sur-
19 vey required by the applicable Federal
20 agency or the Administration to determine
21 the extent of compliance by the offeror or
22 bidder with the subcontracting plan;” and

23 (C) by moving the margins for subpara-
24 graphs (A), (B), (C), (D), and (F) 2 ems to the
25 right (so that the align with subparagraph (E),

1 as amended by subparagraph (B) of this para-
2 graph).

3 (2) REPORTING SYSTEM MODIFICATION.—

4 (A) IN GENERAL.—Not later than 1 year
5 after the date of enactment of this part, the
6 Administrator of the Small Business Adminis-
7 tration shall take such actions as are necessary
8 to ensure that the Federal subcontracting re-
9 porting system to which covered reports are
10 submitted is modified to notify the Adminis-
11 trator, the appropriate contracting officer, and
12 the appropriate Director of Small and Dis-
13 advantaged Business Utilization if an entity
14 fails to submit a required covered report. If the
15 Administrator does not modify the subcon-
16 tracting reporting system on or before the date
17 that is 1 year after the date of enactment of
18 this part, the Administrator may not carry out
19 or establish any pilot program until the date
20 the Administrator modifies the reporting sys-
21 tem.

22 (B) COVERED REPORT DEFINED.—In this
23 paragraph, the term “covered report” means a
24 report submitted in accordance with assurances

1 provided under section 8(d)(6)(E) of the Small
2 Business Act (15 U.S.C. 637(d)(6)(E)).

3 (b) FAILURE TO SUBMIT SUBCONTRACTING RE-
4 PORTS AS BREACH OF CONTRACT.—Section 8(d)(8) of
5 such Act (15 U.S.C. 637(d)(8)) is amended—

6 (1) by striking “(8) The failure” and inserting
7 the following:

8 “(8) MATERIAL BREACH.—The failure”;

9 (2) in subparagraph (A) by striking “sub-
10 section, or” and inserting “subsection,”;

11 (3) in subparagraph (B) by striking “sub-
12 contract,” and inserting “subcontract, or”;

13 (4) by inserting after subparagraph (B) the fol-
14 lowing:

15 “(C) assurances provided under paragraph
16 (6)(E),”; and

17 (5) by moving the margins of subparagraphs
18 (A), (B), and the matter following subparagraph (B)
19 2 ems to the right.

20 (c) AUTHORITY OF SMALL BUSINESS ADMINISTRA-
21 TION.—Section 8(d)(10) of such Act (15 U.S.C.
22 637(d)(10)) is amended—

23 (1) by striking “(10) In the case of” and insert-
24 ing the following:

1 “(10) AUTHORITY OF ADMINISTRATION.—In
2 the case of”;

3 (2) in subparagraph (B) by striking “, which
4 shall be advisory in nature,”;

5 (3) in subparagraph (C) by striking “, either on
6 a contract-by-contract basis, or in the case contrac-
7 tors” and inserting “as a supplement to evaluations
8 performed by the contracting agency, either on a
9 contract-by-contract basis or, in the case of contrac-
10 tors”; and

11 (4) by moving the margins of subparagraphs
12 (A) through (C) 2 ems to the right.

13 (d) APPEALS.—Section 8(d) of such Act (15 U.S.C.
14 637(d)) is amended by adding at the end the following:

15 “(13) REVIEW AND ACCEPTANCE OF SUBCON-
16 TRACTING PLANS.—

17 “(A) IN GENERAL.—Except as provided in
18 subparagraph (E), if a procurement center rep-
19 resentative or commercial market representative
20 determines that a subcontracting plan required
21 under paragraph (4) or (5) fails to provide the
22 maximum practicable opportunity for covered
23 small business concerns to participate in the
24 performance of the contract to which the plan
25 applies, such representative may delay accept-

1 ance of the plan in accordance with subpara-
2 graph (B).

3 “(B) PROCESS.—

4 “(i) IN GENERAL.—Except as pro-
5 vided in clause (ii), a procurement center
6 representative or commercial market rep-
7 resentative who makes the determination
8 under subparagraph (A) with respect to a
9 subcontracting plan may delay acceptance
10 of the plan for a 30-day period by pro-
11 viding written notice of such determination
12 to head of the procuring activity of the
13 contracting agency. Such notice shall in-
14 clude recommendations for altering the
15 plan to provide the maximum practicable
16 opportunity described in that subpara-
17 graph.

18 “(ii) EXCEPTION.—In the case of the
19 Department of Defense, a procurement
20 center representative or commercial market
21 representative who makes the determina-
22 tion under subparagraph (A) with respect
23 to a subcontracting plan may delay accept-
24 ance of the plan for a 15-day period by
25 providing written notice of such determina-

1 tion to appropriate personnel of the De-
2 partment of Defense. Such notice shall in-
3 clude recommendations for altering the
4 plan to provide the maximum practicable
5 opportunity described in that subpara-
6 graph. The authority of a procurement
7 center representative or commercial market
8 representative to delay acceptance of a
9 subcontracting plan as provided in sub-
10 paragraph (A), does not include the au-
11 thority to delay the award or performance
12 of the contract concerned.

13 “(C) DISAGREEMENTS.—If a procurement
14 center representative or commercial market rep-
15 resentative delays the acceptance of a subcon-
16 tracting plan under subparagraph (B) and does
17 not reach agreement with head of the procuring
18 activity of the contracting agency to alter the
19 plan to provide the maximum practicable oppor-
20 tunity described in subparagraph (A) not later
21 than 30 days from the date written notice was
22 provided, the disagreement shall be submitted
23 to the head of the contracting agency by the
24 Administrator for a final determination.

1 “(D) COVERED SMALL BUSINESS CON-
2 CERNS DEFINED.—In this paragraph, the term
3 ‘covered small business concerns’ means small
4 business concerns, qualified HUBZone small
5 business concerns, small business concerns
6 owned and controlled by veterans, small busi-
7 ness concerns owned and controlled by service-
8 disabled veterans, small business concerns
9 owned and controlled by socially and economi-
10 cally disadvantaged individuals, and small busi-
11 ness concerns owned and controlled by women.

12 “(E) EXCEPTION.—The procurement cen-
13 ter representative or commercial market rep-
14 resentative may not delay the acceptance of a
15 subcontracting plan if the appropriate personnel
16 of the contracting agency certify that the agen-
17 cy’s need for the property or services is of such
18 an unusual and compelling urgency that the
19 United States would be seriously injured unless
20 the agency is permitted to accept the subcon-
21 tracting plan.”.

22 **SEC. 1656. NOTICES OF SUBCONTRACTING OPPORTUNI-**
23 **TIES.**

24 Section 8(k)(1) of the Small Business Act (15 U.S.C.
25 637(k)(1)) is amended by striking “in the Commerce

1 Business Daily” and inserting “on the appropriate Fed-
2 eral Web site (as determined by the Administrator)”.

3 **SEC. 1657. REGULATIONS.**

4 Not later than 180 days after the date of enactment
5 of this Act, the Administrator of the Small Business Ad-
6 ministration shall issue guidance with respect to the
7 changes made to the Small Business Act, with opportunity
8 for notice and comment.

9 **Subpart C—Publication of Certain Documents**

10 **SEC. 1658. PUBLICATION OF CERTAIN DOCUMENTS.**

11 The Small Business Act (15 U.S.C. 631 et seq.), as
12 amended by this part, is further amended by inserting
13 after section 45 the following:

14 **“SEC. 46. PUBLICATION OF CERTAIN DOCUMENTS.**

15 “A Federal agency, other than the Department of
16 Defense, may only convert a function that is being per-
17 formed by a small business concern to performance by a
18 Federal employee if the agency has made publicly available
19 the procedures and methodologies of the agency with re-
20 spect to decisions to convert a function being performed
21 by a small business concern to performance by a Federal
22 employee, including procedures and methodologies for de-
23 termining which contracts will be studied for potential
24 conversion; procedures and methodologies by which a con-
25 tract is evaluated as inherently governmental or as a crit-

1 ical agency function; and procedures and methodologies
2 for estimating and comparing costs.”.

3 **PART V—SMALL BUSINESS CONCERN SIZE**

4 **STANDARDS**

5 **SEC. 1661. SMALL BUSINESS CONCERN SIZE STANDARDS.**

6 Section 3 of the Small Business Act (15 U.S.C. 632)
7 is amended—

8 (1) by striking “SEC. 3.” and inserting the fol-
9 lowing:

10 **“SEC. 3. DEFINITIONS.”;**

11 and

12 (2) in subsection (a)—

13 (A) by striking the subsection enumerator
14 and inserting the following:

15 “(a) SMALL BUSINESS CONCERNS.—”;

16 (B) in paragraph (1) by striking “(1) For
17 the purposes” and inserting the following:

18 “(1) IN GENERAL.—For the purposes”;

19 (C) in paragraph (3) by striking “(3)
20 When establishing” and inserting the following:

21 “(3) VARIATION BY INDUSTRY AND CONSIDER-
22 ATION OF OTHER FACTORS.—When establishing”;

23 (D) by moving paragraph (5), including
24 each subparagraph and clause therein, 2 ems to
25 the right; and

1 (E) by adding at the end the following:

2 “(6) PROPOSED RULE MAKING.—In conducting
3 rulemaking to revise, modify or establish size stand-
4 ards pursuant to this section, the Administrator
5 shall consider, and address, and make publicly avail-
6 able as part of the notice of proposed rule making
7 and notice of final rule each of the following:

8 “(A) a detailed description of the industry
9 for which the new size standard is proposed;

10 “(B) an analysis of the competitive envi-
11 ronment for that industry;

12 “(C) the approach the Administrator used
13 to develop the proposed standard including the
14 source of all data used to develop the proposed
15 rulemaking; and

16 “(D) the anticipated effect of the proposed
17 rulemaking on the industry, including the num-
18 ber of concerns not currently considered small
19 that would be considered small under the pro-
20 posed rulemaking and the number of concerns
21 currently considered small that would be
22 deemed other than small under the proposed
23 rulemaking.

24 “(7) COMMON SIZE STANDARDS.—In carrying
25 out this subsection, the Administrator may establish

1 or approve a single size standard for a grouping of
2 four digit North American Industrial Classification
3 codes only if the Administrator makes publicly avail-
4 able, not later than the date on which such size
5 standard is established or approved, a justification
6 demonstrating that such size standard is appropriate
7 for each individual industry classification included in
8 the grouping.

9 “(8) NUMBER OF SIZE STANDARDS.—The Ad-
10 ministrator shall not limit the number of size stand-
11 ards it creates pursuant to paragraph (2), and shall
12 assign the appropriate size standard to each North
13 American Industrial Classification System Code”.

14 **PART VI—CONTRACT BUNDLING**

15 **SEC. 1671. CONSOLIDATION OF PROVISIONS RELATING TO** 16 **CONTRACT BUNDLING.**

17 Section 44 of the Small Business Act (15 U.S.C.
18 657q) is amended to read as follows:

19 **“SEC. 44. CONTRACT BUNDLING.**

20 “(a) DEFINITIONS.—In this Act:

21 “(1) BUNDLED CONTRACT.—The term ‘bundled
22 contract’—

23 “(A) means a contract that is entered into
24 to meet procurement requirements that are
25 combined in a bundling of contract require-

1 ments, without regard to whether a study of the
2 effects of the solicitation on Federal officers or
3 employees has been made; and

4 “(B) does not include—

5 “(i) a contract with an aggregate dol-
6 lar value below the dollar threshold; or

7 “(ii) a single award contract for the
8 acquisition of a weapons system acquired
9 through a major defense acquisition.

10 “(2) BUNDLING METHODOLOGY.—The term
11 ‘bundling methodology’ means—

12 “(A) a solicitation to obtain offers for a
13 single contract or a multiple award contract;

14 “(B) a solicitation of offers for the
15 issuance of a task or a delivery order under an
16 existing single or multiple award contract; or

17 “(C) the creation of any new procurement
18 requirements that permits a combination of
19 contract requirements, including any combina-
20 tion of contract requirements or order require-
21 ments.

22 “(3) BUNDLING OF CONTRACT REQUIRE-
23 MENTS.—The term ‘bundling of contract require-
24 ments’, with respect to the contract requirements of
25 a Federal agency—

1 “(A) means the use of any bundling meth-
2 odology to satisfy 2 or more procurement re-
3 quirements for new or existing goods or services
4 provided to or performed for the Federal agen-
5 cy, including any construction services, that is
6 likely to be unsuitable for award to a small-
7 business concern due to—

8 “(i) the diversity, size, or specialized
9 nature of the elements of the performance
10 specified;

11 “(ii) the aggregate dollar value of the
12 anticipated award;

13 “(iii) the geographical dispersion of
14 the contract performance sites; or

15 “(iv) any combination of the factors
16 described in clauses (i), (ii), and (iii); and

17 “(B) does not include the use of a bun-
18 dling methodology for an anticipated award
19 with an aggregate dollar value below the dollar
20 threshold.

21 “(4) CHIEF ACQUISITION OFFICER.—The term
22 ‘Chief Acquisition Officer’ means the employee of a
23 Federal agency designated as the Chief Acquisition
24 Officer for the Federal agency under section 1702(a)
25 of title 41, United States Code.

1 “(5) CONTRACT.—The term ‘contract’ includes,
2 for purposes of this section, any task order made
3 pursuant to an indefinite quantity, indefinite deliv-
4 ery contract.

5 “(6) CONTRACT BUNDLING.—The term ‘con-
6 tract bundling’ means the process by which a bun-
7 dled contract is created.

8 “(7) DOLLAR THRESHOLD.—The term ‘dollar
9 threshold’ means—

10 “(A) in the case of a contract for construc-
11 tion, \$5,000,000; and

12 “(B) in any other case, \$2,000,000.

13 “(8) MAJOR DEFENSE ACQUISITION PRO-
14 GRAM.—The term ‘major defense acquisition pro-
15 gram’ has the meaning given in section 2430(a) of
16 title 10, United States Code.

17 “(9) PREVIOUSLY BUNDLED CONTRACT.—The
18 term ‘previously bundled contract’ means a contract
19 that is the successor to a contract that required a
20 bundling analysis, contract for which any of the suc-
21 cessor contract were designated as a consolidated
22 contract or bundled contract in the Federal procure-
23 ment database, or a contract for which the Adminis-
24 trator designated the prior contract as a bundled
25 contract.

1 “(10) PROCUREMENT ACTIVITY.—The term
2 ‘procurement activity’ means the Federal agency or
3 office thereof acquiring goods or services.

4 “(11) PROCUREMENT REQUIREMENT.—The
5 term ‘procurement requirement’ means a determina-
6 tion by an agency that the acquisition of a specified
7 good or service is needed to satisfy the mission of
8 the agency.

9 “(12) SENIOR PROCUREMENT EXECUTIVE.—
10 The term ‘senior procurement executive’ means an
11 official designated under section 1702(c) of title 41,
12 United States Code, as the senior procurement exec-
13 utive for a Federal agency.

14 “(13) TRADE ASSOCIATION.—The term ‘trade
15 association’ means any entity that is described in
16 paragraph (3), (6), (12), or (19) of section 501(c)
17 of the Internal Revenue Code of 1986 and which is
18 exempt from tax under section 501(a) of such Code.

19 “(b) POLICY.—The head of each Federal agency shall
20 ensure that the decisions made by the Federal agency re-
21 garding contract bundling are made with a view to pro-
22 viding small business concerns with the maximum prac-
23 ticable opportunities to participate as prime contractors
24 and subcontractors in the procurements of the Federal
25 agency.

1 “(c) CONTRACT BUNDLING.—

2 “(1) PROPOSED PROCUREMENTS.—Paragraphs
3 (2) through (4) shall apply to a proposed procure-
4 ment if the proposed procurement—

5 “(A) one or more small business concerns
6 would suffer economic harm or disruption of its
7 business operations, including the potential loss
8 of an existing contract, as a direct or indirect
9 result of the contract bundling;

10 “(B) includes, in its statement of work,
11 goods or services—

12 “(i)(I) currently being performed by a
13 small business; and

14 “(II) if the proposed procurement is
15 in a quantity or estimated dollar value the
16 magnitude of which renders small business
17 prime contract participation unlikely; or

18 “(ii)(I) that are of a type that the Ad-
19 ministrator through market research can
20 demonstrate that two or more small busi-
21 nesses are capable of performing; and

22 “(II) if the statement of work pro-
23 poses combining the goods or services iden-
24 tified in subclause (I) with other require-

1 ments for goods or services into the solici-
2 tation of offers;

3 “(C) is for construction and—

4 “(i) seeks to package or combine dis-
5 crete construction projects; or

6 “(ii) the value of the goods or services
7 subject to the contract exceeds the dollar
8 threshold; or

9 “(D) is determined by the Administrator
10 to have a solicitation that involves an unneces-
11 sary or unjustified bundling of contract require-
12 ments.

13 “(2) RESPONSIBILITY OF THE PROCUREMENT
14 ACTIVITY.—At least 45 days prior to the issuance of
15 a solicitation, the Procurement Activity shall notify
16 and provide a copy of the proposed procurement to
17 the procurement center representative assigned to
18 the Procurement Activity. The 45-day notification
19 process under this paragraph shall occur concu-
20 rently with other processing steps required prior to
21 issuance of the solicitation. The notice shall include
22 a statement as to why the agency has determined
23 that contract bundling is necessary and justified and
24 shall also describe why the proposed acquisition can-

1 not be offered so as to make small business partici-
2 pation likely. Such statement shall address—

3 “(A) why the proposed acquisition cannot
4 be further divided into reasonably small lots or
5 discrete tasks in order to permit offers by small
6 business concerns;

7 “(B) if applicable, a list of the incumbent
8 contractors disaggregated by and including
9 names, addresses, and whether or not the con-
10 tractor is a small business concern;

11 “(C) a description of the industries that
12 might be interested in bidding on the contract
13 requirements;

14 “(D) an assessment of the impact on small
15 businesses that had bid on previous procure-
16 ment requirements that are included in the
17 bundling of contract requirements;

18 “(E) delineating the number of existing
19 small business concerns whose contracts will
20 cease if the contract bundling proceeds;

21 “(F) if delivery schedule was a factor in
22 the decision to bundle, an explanation as to why
23 a schedule could not be developed that would
24 encourage small business participation; and

1 “(G) in the case of a construction contract,
2 why construction cannot be procured as sepa-
3 rate discrete projects.

4 “(3) PUBLICATION OF NOTICE STATEMENT.—
5 Concurrently, the statement required in paragraph
6 (2) shall be published in the Federal contracting op-
7 portunities database.

8 “(4) RECOMPETITION OF A PREVIOUSLY BUN-
9 DLED CONTRACT.—If the proposed procurement is a
10 previously bundled contract, that is to be recompeted
11 as a bundled contract, the Administrator shall deter-
12 mine, with the assistance of the agency proposing
13 the procurement—

14 “(A) the amount of savings and benefits
15 (in accordance with subsection (d)) achieved
16 under the bundling of contract requirements;

17 “(B) whether such savings and benefits
18 will continue to be realized if the contract re-
19 mains bundled, and whether such savings and
20 benefits would be greater if the procurement re-
21 quirements were divided into separate solicita-
22 tions suitable for award to small business con-
23 cerns;

24 “(C) the dollar value of subcontracts
25 awarded to small business concerns under the

1 bundled contract, disaggregated by North
2 American Industrial Classification System
3 Code;

4 “(D) the percentage of subcontract dollars
5 awarded to small businesses under the bundled
6 contract, disaggregated by North American In-
7 dustrial Classification System Code; and

8 “(E) the dollar amount and percentage of
9 prime contract dollars awarded to small busi-
10 nesses in the primary North American Indus-
11 trial Classification System Code for that bun-
12 dled contract during each of the two fiscal years
13 preceding the award of the bundled contract
14 and during each fiscal year of the performance
15 of the bundled contract.

16 “(5) FAILURE TO PROVIDE NOTICE.—

17 “(A) NO NOTIFICATION RECEIVED.—If no
18 notification of the proposed procurement or ac-
19 companying statement is received, but the Ad-
20 ministrator determines that the proposed pro-
21 curement is a proposed procurement described
22 in paragraph (1), then the Administrator shall
23 require that such a statement of work be com-
24 pleted by the Procurement Activity and sent to
25 the procurement center representative and post-

1 pone the solicitation process for at least 10
2 days but not more than 45 days to allow the
3 Administrator to review the statement and
4 make recommendations as described in this sec-
5 tion before the procurement process is contin-
6 ued.

7 “(B) NO WORK CONTINUED.—If the Ad-
8 ministrators requires a Procurement Activity to
9 provide a statement of work pursuant to sub-
10 paragraph (A), the Procurement Activity shall
11 not be permitted to continue with the procure-
12 ment until such time as the Procurement Activ-
13 ity complies with the requirements of subpara-
14 graph (A).

15 “(6) RESPONSIBILITY OF THE PROCUREMENT
16 CENTER REPRESENTATIVE.—Within 15 days after
17 receipt of the proposed procurement and accom-
18 panying statement, if the procurement center rep-
19 resentative believes that the procurement as pro-
20 posed will render small business prime contract par-
21 ticipation unlikely, the representative shall rec-
22 ommend to the Procurement Activity alternative pro-
23 curement methods which would increase small busi-
24 ness prime contracting opportunities.

1 “(7) DISAGREEMENT BETWEEN THE ADMINIS-
2 TRATOR AND THE PROCUREMENT ACTIVITY.—

3 “(A) IN GENERAL.—If the Administrator
4 determines that a small business concern would
5 be adversely affected, directly or indirectly, by
6 the proposed procurement, or if a small busi-
7 ness concern or a trade association of which
8 that small business concern is a member so re-
9 quests, the Administrator may take action
10 under this paragraph to further the interests of
11 small businesses.

12 “(B) APPEAL TO AGENCY HEAD.—The
13 proposed procurement shall be submitted for
14 determination to the head of the contracting
15 agency by the Administrator.

16 “(C) APPEAL BY AFFECTED SMALL BUSI-
17 NESS CONCERN TO GAO.—For purposes of sub-
18 chapter V of chapter 35 of title 31, United
19 States Code, if a protest is submitted to the
20 Comptroller General under that subchapter al-
21 leging a violation of this section of the Small
22 Business Act, a trade association representing
23 small business concerns shall be considered an
24 interested party.

25 “(d) MARKET RESEARCH.—

1 “(1) IN GENERAL.—Before proceeding with an
2 acquisition strategy that could lead to bundled con-
3 tracts, the head of an agency shall conduct market
4 research to determine whether bundling of the re-
5 quirements is necessary and justified.

6 “(2) FACTORS.—For purposes of subsection
7 (c)(1), a bundled contract is necessary and justified
8 if the bundling of contract requirements will result
9 in substantial measurable benefits in excess of those
10 benefits resulting from a procurement of the con-
11 tract requirements that does not involve contract
12 bundling.

13 “(3) BENEFITS.—For the purposes of bundling
14 of contract requirements, benefits described in para-
15 graph (2) may include the following:

16 “(A) Cost savings.

17 “(B) Quality improvements.

18 “(C) Reduction in acquisition cycle times.

19 “(D) Better terms and conditions.

20 “(E) Any other benefits.

21 “(4) REDUCTION OF COSTS NOT DETERMINA-
22 TIVE.—For purposes of this subsection:

23 “(A) Cost savings shall not include any re-
24 duction in the use of military interdepartmental
25 purchase requests or any similar transfer funds

1 among Federal agencies for the use of a con-
2 tract issued by another Federal agency.

3 “(B) The reduction of administrative or
4 personnel costs alone shall not be a justification
5 for bundling of contract requirements unless
6 the cost savings are expected to be substantial
7 in relation to the dollar value of the procure-
8 ment requirements to be bundled.

9 “(5) LIMITATION ON ACQUISITION STRATEGY.—
10 The head of a Federal agency may not carry out an
11 acquisition strategy that includes bundled contracts
12 valued in excess of the dollar threshold, unless the
13 senior procurement executive or, if applicable, Chief
14 Acquisition Officer, for the Federal agency, certifies
15 to the head of the Federal agency that steps will be
16 taken to include small business concerns in the ac-
17 quisition strategy prior to the implementation of
18 such acquisition strategy.

19 “(e) STRATEGY SPECIFICATIONS.—If the head of a
20 contracting agency determines that an acquisition plan or
21 proposed procurement strategy will result in a bundled
22 contract, the proposed acquisition plan or procurement
23 strategy shall—

1 “(1) identify specifically the benefits anticipated
2 to be derived from the bundling of contract require-
3 ments;

4 “(2) set forth an assessment of the specific im-
5 pediments to participation by small business con-
6 cerns as prime contractors that result from the con-
7 tract bundling and specify actions designed to maxi-
8 mize small business participation as subcontractors
9 (including suppliers) at various tiers under the con-
10 tract or contracts that are awarded to meet the re-
11 quirements; and

12 “(3) include a specific determination that the
13 anticipated measurable benefits of the proposed bun-
14 dled contract justify its use.

15 “(f) CONTRACT TEAMING.—In the case of a solicita-
16 tion of offers for a bundled contract that is issued by the
17 head of an agency, a small-business concern may submit
18 an offer that provides for use of a particular team of sub-
19 contractors for the performance of the contract. The head
20 of the agency shall evaluate the offer in the same manner
21 as other offers, with due consideration to the capabilities
22 of all of the proposed subcontractors. If a small business
23 concern teams under this paragraph, it shall not affect
24 its status as a small business concern for any other pur-
25 pose.

1 “(g) DATABASE, ANALYSIS, AND ANNUAL REPORT
2 REGARDING CONTRACT BUNDLING.—

3 “(1) DATABASE.—Not later than 180 days
4 after the date of the enactment of this subsection,
5 the Administrator shall develop and shall thereafter
6 maintain a database containing data and informa-
7 tion regarding—

8 “(A) each bundled contract awarded by a
9 Federal agency; and

10 “(B) each small business concern that has
11 been displaced as a prime contractor as a result
12 of the award of such a contract.

13 “(2) ANALYSIS.—For each bundled contract
14 that is to be recompeted, the Administrator shall de-
15 termine—

16 “(A) the amount of savings and benefits
17 realized, in comparison with the savings and
18 benefits anticipated by the analysis required
19 under subsection (d) prior to the contract
20 award; and

21 “(B) whether such savings and benefits
22 will continue to be realized if the contract re-
23 mains bundled, and whether such savings and
24 benefits would be greater if the procurement re-
25 quirements were divided into separate solicita-

1 tions suitable for award to small business con-
2 cerns.

3 “(3) ANNUAL REPORT ON CONTRACT BUN-
4 DLING.—

5 “(A) IN GENERAL.—Not later than 1 year
6 after the date of the enactment of this para-
7 graph, and annually in March thereafter, the
8 Administrator shall transmit a report on con-
9 tract bundling to the Committee on Small Busi-
10 ness of the House of Representatives and the
11 Committee on Small Business and Entrepre-
12 neurship of the Senate.

13 “(B) CONTENTS.—Each report trans-
14 mitted under subparagraph (A) shall include—

15 “(i) data on the number, arranged by
16 industrial classification, of small business
17 concerns displaced as prime contractors as
18 a result of the award of bundled contracts
19 by Federal agencies; and

20 “(ii) a description of the activities
21 with respect to previously bundled con-
22 tracts of each Federal agency during the
23 preceding year, including—

1 “(I) data on the number and
2 total dollar amount of all contract re-
3 quirements that were bundled; and

4 “(II) with respect to each bun-
5 dled contract, data or information
6 on—

7 “(aa) the justification for
8 the bundling of contract require-
9 ments;

10 “(bb) the cost savings real-
11 ized by bundling the contract re-
12 quirements over the life of the
13 contract;

14 “(cc) the extent to which
15 maintaining the bundled status
16 of contract requirements is pro-
17 jected to result in continued cost
18 savings;

19 “(dd) the extent to which
20 the bundling of contract require-
21 ments complied with the con-
22 tracting agency’s small business
23 subcontracting plan, including
24 the total dollar value awarded to
25 small business concerns as sub-

1 contractors and the total dollar
2 value previously awarded to small
3 business concerns as prime con-
4 tractors; and

5 “(ee) the impact of the bun-
6 dling of contract requirements on
7 small business concerns unable to
8 compete as prime contractors for
9 the consolidated requirements
10 and on the industries of such
11 small business concerns, includ-
12 ing a description of any changes
13 to the proportion of any such in-
14 dustry that is composed of small
15 business concerns.

16 “(h) BUNDLING ACCOUNTABILITY MEASURES.—

17 “(1) TEAMING REQUIREMENTS.—Each Federal
18 agency shall include in each solicitation for any mul-
19 tiple award contract above the dollar threshold a
20 provision soliciting bids from any responsible source,
21 including responsible small business concerns and
22 teams or joint ventures of small business concerns.

23 “(2) POLICIES ON REDUCTION OF CONTRACT
24 BUNDLING.—

1 “(A) IN GENERAL.—Not later than 270
2 days after the date of enactment of this sub-
3 paragraph, the Federal Acquisition Regulatory
4 Council, established under section 1302(a) of
5 title 41, United States Code, shall amend the
6 Federal Acquisition Regulation issued under
7 section 1303 of such title to—

8 “(i) establish a Government-wide pol-
9 icy regarding contract bundling, including
10 regarding the solicitation of teaming and
11 joint ventures; and

12 “(ii) require that the policy estab-
13 lished under clause (i) be published on the
14 website of each Federal agency.

15 “(B) RATIONALE FOR CONTRACT BUN-
16 DLING.—Not later than 30 days after the date
17 on which the head of a Federal agency submits
18 the report required under section 15(h), the
19 head of the Federal agency shall publish on the
20 website of the Federal agency a list and ration-
21 ale for any bundled contract for which the Fed-
22 eral agency solicited bids or that was awarded
23 by the Federal agency.”.

1 **SEC. 1672. REPEAL OF REDUNDANT PROVISIONS.**

2 (a) CERTAIN PROVISIONS REGARDING CONTRACT
3 BUNDLING REPEALED.—

4 (1) Section 15(a) of the Small Business Act (15
5 U.S.C. 644(a)), is amended by striking “If a pro-
6 posed procurement includes” and all that follows
7 through “the matter shall be submitted for deter-
8 mination to the Secretary or the head of the appro-
9 priate department or agency by the Administrator.”.

10 (2) All references in law to such sentences as
11 they were in effect on the date that is one day prior
12 to the effective date of this Act shall be deemed to
13 be references to section 44(d), as added by this part.

14 (b) CERTAIN PROVISIONS REGARDING MARKET RE-
15 SEARCH REPEALED.—

16 (1) Paragraphs (2) through (4) of section 15(e)
17 of the Small Business Act (15 U.S.C. 644(e)) are
18 repealed.

19 (2) All references in law to such paragraphs, as
20 in effect on the date that is one day prior to the ef-
21 fective date of this Act, shall be deemed to be ref-
22 erences to subsections (d) through (f), respectively,
23 of section 44 of the Small Business Act, as added
24 by this section.

25 (c) CERTAIN PROVISIONS REGARDING CONTRACT
26 BUNDLING DATABASE REPEALED.—

1 (1) Paragraph (1) of section 15(p) of the Small
2 Business Act (15 U.S.C. 644(p)) is repealed.

3 (2) Paragraphs (2) through (4) of section 15(p)
4 of the Small Business Act (15 U.S.C. 644(p)) are
5 repealed. All references in law to such paragraphs,
6 as in effect on the date that is one day prior to the
7 effective date of this Act, shall be deemed to be ref-
8 erences to paragraphs (1) through (3), respectively,
9 of section 44(h) of the Small Business Act, as added
10 by this part.

11 (d) CERTAIN PROVISIONS REGARDING BUNDLING
12 ACCOUNTABILITY MEASURES REPEALED.—

13 (1) Paragraphs (1) and (2) of section 15(q) of
14 the Small Business Act (15 U.S.C. 644(q)) are re-
15 pealed.

16 (2) All references in law to such paragraphs, as
17 in effect on the date that is one day prior to the ef-
18 fective date of this Act, shall be deemed to be ref-
19 erences to paragraphs (1) and (2), respectively, of
20 section 44(i) of the Small Business Act, as added by
21 this part.

22 (e) CERTAIN PROVISIONS REGARDING.—Subsection
23 (o) of section 3 of the Small Business Act (15 U.S.C.)
24 is repealed.

1 **SEC. 1673. TECHNICAL AMENDMENTS.**

2 Section 15 of the Small Business Act (15 U.S.C. 644)
3 is amended—

4 (1) in the heading of subsection (p), to read as
5 follows: “ACCESS TO DATA.—”; and

6 (2) in the heading of subsection (q), to read as
7 follows: “REPORTS RELATED TO PROCUREMENT
8 CENTER REPRESENTATIVES.—”.

9 **PART VII—INCREASED PENALTIES FOR FRAUD**

10 **SEC. 1681. SAFE HARBOR FOR GOOD FAITH COMPLIANCE**
11 **EFFORTS.**

12 (a) **SMALL BUSINESS FRAUD.**—Section 16(d) of the
13 Small Business Act (15 U.S.C. 645(d)) is amended by in-
14 serting after paragraph (2) the following:

15 “(3) **LIMITATION ON LIABILITY.**—This sub-
16 section shall not apply to any conduct in violation of
17 subsection (a) if the defendant acted in reliance on
18 a written advisory opinion from a licensed attorney
19 who is not an employee of the defendant.”.

20 (b) **REGULATIONS.**—Not later than 270 days after
21 the date of enactment of this part, the Administrator of
22 the Small Business Administration shall issue rules defin-
23 ing what constitutes an adequate advisory opinion for pur-
24 poses of section 16(d)(3) of the Small Business Act.

25 (c) **SMALL BUSINESS COMPLIANCE GUIDE.**—Not
26 later than 270 days after the date of enactment of this

1 part, the Administrator of the Small Business Administra-
2 tion shall issue (pursuant to section 212 of the Small
3 Business Regulatory Enforcement Fairness Act of 1996)
4 a compliance guide to assist business concerns in accu-
5 rately determining their status as a small business con-
6 cern.

7 **SEC. 1682. OFFICE OF HEARINGS AND APPEALS.**

8 (a) CHIEF HEARING OFFICER.—Section 4(b)(1) of
9 the Small Business Act is amended by adding at the end
10 the following: “One shall be designated at the time of his
11 or her appointment as the Chief Hearing Officer, who
12 shall head and administer the Office of Hearings and Ap-
13 peals within the Administration.”.

14 (b) OFFICE OF HEARINGS AND APPEALS ESTAB-
15 LISHED IN ADMINISTRATION.—Section 5 of the Small
16 Business Act (15 U.S.C. 634) is amended by adding at
17 the end the following:

18 “(i) OFFICE OF HEARINGS AND APPEALS.—

19 “(1) IN GENERAL.—There is established in the
20 Administration an Office of Hearings and Appeals—

21 “(A) to impartially decide such matters,
22 where Congress designates that a hearing on
23 the record is required or which the Adminis-
24 trator designates by regulation or otherwise;
25 and

1 “(B) which shall contain the Administra-
2 tion’s Freedom of Information/Privacy Acts Of-
3 fice.

4 “(2) CHIEF HEARING OFFICER.—The Chief
5 Hearing Officer shall be a career member of the
6 Senior Executive Service and an attorney duly li-
7 censed by any State, commonwealth, territory, or the
8 District of Columbia.

9 “(A) DUTIES.—The Chief Hearing Officer
10 shall—

11 “(i) serve as the Chief Administrative
12 Law Judge; and

13 “(ii) be responsible for the operation
14 and management of the Office of Hearings
15 and Appeals, pursuant to the rules of prac-
16 tice established by the Administrator.

17 “(B) ALTERNATIVE DISPUTE RESOLU-
18 TION.—The Chief Hearing Officer may also as-
19 sign a matter for mediation or other means of
20 alternative dispute resolution.

21 “(3) ADMINISTRATIVE LAW JUDGES.—

22 “(A) IN GENERAL.—An administrative law
23 judge shall be an attorney duly licensed by any
24 State, commonwealth, territory, or the District
25 of Columbia.

1 “(B) CONDITIONS OF EMPLOYMENT.—(i)
2 An administrative law judge shall serve in the
3 excepted service as an employee of the Adminis-
4 tration under section 2103 of title 5, United
5 States Code, and under the supervision of the
6 Chief Hearing Officer.

7 “(ii) Administrative law judge positions
8 shall be classified at Senior Level, as such term
9 is defined in section 5376 of title 5, United
10 States Code.

11 “(iii) Compensation for administrative law
12 judge positions shall be set in accordance with
13 the pay rates of section 5376 of title 5, United
14 States Code.

15 “(C) TREATMENT OF CURRENT PER-
16 SONNEL.—An individual serving as a Judge in
17 the Office of Hearings and Appeals (as that po-
18 sition and office are designated in section
19 134.101 of title 13, Code of Federal Regula-
20 tions (as in effect on January 1, 2012)) on the
21 effective date of this subsection shall be consid-
22 ered as qualified to be and redesignated as ad-
23 ministrative law judges.

24 “(D) POWERS.—An administrative law
25 judge shall have the authority to conduct hear-

1 in effect, and the name and contact information for the
2 individual designated by the Administrator as the senior
3 individual responsible for suspension and debarment pro-
4 ceedings.

5 **SEC. 1684. ANNUAL REPORT ON SUSPENSIONS AND**
6 **DEBARMENTS PROPOSED BY SMALL BUSI-**
7 **NESS ADMINISTRATION.**

8 (a) **REPORT REQUIREMENT.**—The Administrator of
9 the Small Business Administration shall submit each year
10 to the Committee on Small Business and Entrepreneur-
11 ship of the Senate, and the Committee on Small Business
12 of the House of Representatives a report on the suspen-
13 sion and debarment actions taken by the Administrator
14 during the year preceding the year of submission of the
15 report.

16 (b) **MATTERS COVERED.**—The report required by
17 subsection (a) shall include the following information for
18 the year covered by the report:

19 (1) **NUMBER.**—The number of contractors pro-
20 posed for suspension or debarment.

21 (2) **SOURCE.**—The office within a Federal
22 agency that originated each proposal for suspension
23 or debarment.

24 (3) **REASONS.**—The reason for each proposal
25 for suspension or debarment.

1 (4) RESULTS.—The result of each proposal for
2 suspension or debarment, and the reason for such
3 result.

4 (5) REFERRALS.—The number of suspensions
5 or debarments referred to the Inspector General of
6 the Small Business Administration or another agen-
7 cy, or to the Attorney General (for purposes of this
8 paragraph, the Administrator may redact identifying
9 information on names of companies or other infor-
10 mation in order to protect the integrity of any ongo-
11 ing criminal or civil investigation).

12 **PART VIII—OFFICES OF SMALL AND**
13 **DISADVANTAGED BUSINESS UNITS**

14 **SEC. 1691. OFFICES OF SMALL AND DISADVANTAGED BUSI-**
15 **NESS UTILIZATION.**

16 (a) APPOINTMENT AND POSITION OF DIRECTOR.—
17 Section 15(k)(2) of the Small Business Act (15 U.S.C.
18 644(k)(2)) is amended by striking “such agency,” and in-
19 serting “such agency to a position that is a Senior Execu-
20 tive Service position (as such term is defined under section
21 3132(a) of title 5, United States Code), except that, for
22 any agency in which the positions of Chief Acquisition Of-
23 ficer and senior procurement executive (as such terms are
24 defined under section 44(a) of this Act) are not Senior
25 Executive Service positions, the Director of Small and Dis-

1 advantaged Business Utilization may be appointed to a
2 position compensated at not less than the minimum rate
3 of basic pay payable for grade GS–15 of the General
4 Schedule under section 5332 of such title (including com-
5 parability payments under section 5304 of such title);”.

6 (b) PERFORMANCE APPRAISALS.—Section 15(k)(3)
7 of such Act (15 U.S.C. 644(k)(3)) is amended—

8 (1) by striking “be responsible only to, and re-
9 port directly to, the head” and inserting “shall be
10 responsible only to (including with respect to per-
11 formance appraisals), and report directly and exclu-
12 sively to, the head”; and

13 (2) by striking “be responsible only to, and re-
14 port directly to, such Secretary” and inserting “be
15 responsible only to (including with respect to per-
16 formance appraisals), and report directly and exclu-
17 sively to, such Secretary”.

18 (c) SMALL BUSINESS TECHNICAL ADVISERS.—Sec-
19 tion 15(k)(8)(B) of such Act (15 U.S.C. 644(k)(8)(B)) is
20 amended—

21 (1) by striking “and 15 of this Act,” and in-
22 serting “, 15, and 44 of this Act;”; and

23 (2) by inserting after “of this Act” the fol-
24 lowing: “(giving priority in assigning to small busi-
25 ness that are in metropolitan statistical areas for

1 which the unemployment rate is higher than the na-
2 tional average unemployment rate for the United
3 States)”.
4

5 (d) ADDITIONAL REQUIREMENTS.—Section 15(k) of
6 such Act (15 U.S.C. 644(k)) is amended by inserting after
7 paragraph (10) the following:

8 “(11) shall review and advise such agency on
9 any decision to convert an activity performed by a
10 small business concern to an activity performed by
11 a Federal employee;

12 “(12) shall provide to the Chief Acquisition Of-
13 ficer and senior procurement executive of such agen-
14 cy advice and comments on acquisition strategies,
15 market research, and justifications related to section
16 44 of this Act;

17 “(13) may provide training to small business
18 concerns and contract specialists, except that such
19 training may only be provided to the extent that the
20 training does not interfere with the Director car-
21 rying out other responsibilities under this subsection;

22 “(14) shall receive unsolicited proposals and,
23 when appropriate, forward such proposals to per-
24 sonnel of the activity responsible for reviewing such
proposals;

1 “(15) shall carry out exclusively the duties enu-
2 merated in this Act, and shall, while the Director,
3 not hold any other title, position, or responsibility,
4 except as necessary to carry out responsibilities
5 under this subsection; and

6 “(16) shall submit, each fiscal year, to the
7 Committee on Small Business of the House of Rep-
8 resentatives and the Committee on Small Business
9 and Entrepreneurship of the Senate a report de-
10 scribing—

11 “(A) the training provided by the Director
12 under paragraph (13) in the most recently com-
13 pleted fiscal year;

14 “(B) the percentage of the budget of the
15 Director used for such training in the most re-
16 cently completed fiscal year; and

17 “(C) the percentage of the budget of the
18 Director used for travel in the most recently
19 completed fiscal year.”.

20 (e) REQUIREMENT OF CONTRACTING EXPERIENCE
21 FOR OSDBU DIRECTOR.—Section 15(k) of the Small
22 Business Act (15 U.S.C. 644(k)), as amended by this part,
23 is further amended, in the matter preceding paragraph
24 (1), by striking “who shall” and insert the following: “,
25 with experience serving in any combination of the fol-

1 lowing roles: federal contracting officer, small business
2 technical advisor, contracts administrator for federal gov-
3 ernment contracts, attorney specializing in federal pro-
4 curement law, small business liaison officer, officer or em-
5 ployee who managed federal government contracts for a
6 small business, or individual whose primary responsibil-
7 ities were for the functions and duties of section 8, 15
8 or 44 of this Act. Such officer or employee”.

9 (f) TECHNICAL AMENDMENTS.—Section 15(k) of
10 such Act (15 U.S.C. 644(k)), as amended, is further
11 amended—

12 (1) in paragraph (1)—

13 (A) by striking “be known” and inserting
14 “shall be known”; and

15 (B) by striking “such agency,” and insert-
16 ing “such agency;”;

17 (2) in paragraph (2) by striking “be appointed
18 by” and inserting “shall be appointed by”;

19 (3) in paragraph (3)—

20 (A) by striking “director” and inserting
21 “Director”; and

22 (B) by striking “Secretary’s designee,” and
23 inserting “Secretary’s designee;”;

24 (4) in paragraph (4)—

1 (A) by striking “be responsible” and in-
2 serting “shall be responsible”; and

3 (B) by striking “such agency,” and insert-
4 ing “such agency;”;

5 (5) in paragraph (5) by striking “identify pro-
6 posed” and inserting “shall identify proposed”;

7 (6) in paragraph (6) by striking “assist small”
8 and inserting “shall assist small”;

9 (7) in paragraph (7)—

10 (A) by striking “have supervisory” and in-
11 serting “shall have supervisory”; and

12 (B) by striking “this Act,” and inserting
13 “this Act;”;

14 (8) in paragraph (8)—

15 (A) by striking “assign a” and inserting
16 “shall assign a”; and

17 (B) in subparagraph (A), by striking “the
18 activity, and” and inserting “the activity; and”;

19 (9) in paragraph (9)—

20 (A) by striking “cooperate, and” and in-
21 serting “shall cooperate, and”; and

22 (B) by striking “subsection, and” and in-
23 serting “subsection;”;

24 (10) in paragraph (10)—

1 (A) by striking “make recommendations”
2 and inserting “shall make recommendations”;

3 (B) by striking “subsection (a), or section”
4 and inserting “subsection (a), section”;

5 (C) by striking “Act or section 2323” and
6 inserting “Act, or section 2323”;

7 (D) by striking “Code. Such recommenda-
8 tions shall” and inserting “Code, which shall”;
9 and

10 (E) by striking “contract file.” and insert-
11 ing “contract file;”.

12 **SEC. 1692. SMALL BUSINESS PROCUREMENT ADVISORY**
13 **COUNCIL.**

14 (a) DUTIES.—Section 7104(b) of the Federal Acqui-
15 sition Streamlining Act of 1994 (15 U.S.C. 644 note) is
16 amended—

17 (1) in paragraph (1) by striking “and” at the
18 end;

19 (2) in paragraph (2) by striking “authorities.”
20 and inserting “authorities;”; and

21 (3) by adding at the end the following:

22 “(3) to conduct reviews of each Office of Small
23 and Disadvantaged Business Utilization established
24 under section 15(k) of the Small Business Act (15

1 U.S.C. 644(k)) to determine the compliance of each
2 Office with requirements under such section;

3 “(4) to identify best practices for maximizing
4 small business utilization in Federal contracting that
5 may be implemented by Federal agencies having pro-
6 curement powers; and

7 “(5) to submit, annually, to the Committee on
8 Small Business of the House of Representatives and
9 the Committee on Small Business and Entrepre-
10 neurship of the Senate a report describing—

11 “(A) the comments submitted under para-
12 graph (2) during the 1-year period ending on
13 the date on which the report is submitted, in-
14 cluding any outcomes related to the comments;

15 “(B) the results of reviews conducted
16 under paragraph (3) during such 1-year period;
17 and

18 “(C) best practices identified under para-
19 graph (4) during such 1-year period.”.

20 (b) MEMBERSHIP.—Section 7104(c)(3) of such Act
21 (15 U.S.C. 644 note) is amended by striking “(established
22 under section 15(k) of the Small Business Act (15 U.S.C.
23 644(k))”.

24 (c) CHAIRMAN.—Section 7104(d) of such Act (15
25 U.S.C. 644 note) is amended by inserting after “Small

1 Business Administration” the following: “(or the designee
2 of the Administrator)”.

3 **PART IX—EARLY STAGE SMALL BUSINESS**

4 **CONTRACTING**

5 **SEC. 1693a. PROGRAM TO PROVIDE FEDERAL CONTRACTS**
6 **TO EARLY STAGE SMALL BUSINESSES.**

7 (a) IN GENERAL.—The Small Business Act (15
8 U.S.C. 631 et seq.) is amended by adding at the end the
9 following:

10 **“SEC. 46. PROGRAM TO PROVIDE FEDERAL CONTRACTS TO**
11 **EARLY STAGE SMALL BUSINESSES.**

12 “(a) ESTABLISHMENT.—The Administrator shall es-
13 tablish and carry out a program in accordance with the
14 requirements of this section to provide improved access to
15 Federal contract opportunities for early stage small busi-
16 ness concerns.

17 “(b) PROCUREMENT CONTRACTS.—

18 “(1) IN GENERAL.—In carrying out subsection
19 (a), the Administrator, in consultation with other
20 Federal agencies, shall identify procurement con-
21 tracts of Federal agencies for award under the pro-
22 gram.

23 “(2) CONTRACT AWARDS.—Under the program
24 established pursuant to this section, the award of a
25 procurement contract of a Federal agency identified

1 by the Administrator pursuant to paragraph (1)
2 shall be made by the agency to an eligible program
3 participant selected, and determined to be respon-
4 sible, by the agency.

5 “(3) COMPETITION.—

6 “(A) SOLE SOURCE.—A contracting officer
7 may award a sole source contract under this
8 program if such concern is determined to be a
9 responsible contractor with respect to perform-
10 ance of such contract opportunity and the con-
11 tracting officer does not have a reasonable ex-
12 pectation that 2 or more early stage small busi-
13 ness concerns will submit offers for the con-
14 tracting opportunity and in the estimation of
15 the contracting officer, the contract award can
16 be made at a fair and reasonable price.

17 “(B) RESTRICTED COMPETITION.—A con-
18 tracting officer may award contracts on the
19 basis of competition restricted to early stage
20 small business concerns if the contracting offi-
21 cer has a reasonable expectation that not less
22 than 2 early stage small business concerns will
23 submit offers and that the award can be made
24 at a fair market price.

1 “(4) CONTRACT VALUE.—Contracts shall be
2 awarded under this program if its value is greater
3 than \$3,000 and less than half the upper threshold
4 of section 15(j)(1) of the Small Business Act.

5 “(c) ELIGIBILITY.—Only an early stage small busi-
6 ness concern shall be eligible to compete for a contract
7 to be awarded under the program. The Administrator shall
8 certify that a small business concern is an early stage
9 small business concern, or the Administrator shall approve
10 a Federal agency, a State government, or a national certi-
11 fying entity to certify that the business meets the eligi-
12 bility criteria of an early stage small business concern.

13 “(d) TECHNICAL ASSISTANCE.—The Administrator
14 shall provide early stage small business concerns with
15 technical assistance and counseling with regard to—

16 “(1) applying for and competing for Federal
17 contracts; and

18 “(2) fulfilling the administrative responsibilities
19 associated with the performance of a Federal con-
20 tract.

21 “(e) ATTAINMENT OF CONTRACT GOALS.—All con-
22 tract awards made under the program shall be counted
23 toward the attainment of the goals specified in section
24 15(g) of the Small Business Act.

25 “(f) REGULATIONS.—The Administrator shall—

1 “(1) issue proposed regulations to carry out
2 this section not later than 180 days after the date
3 of enactment of this Act; and

4 “(2) issue final regulations to carry out this
5 section not later than 270 days after the date of en-
6 actment of this Act.

7 “(g) REPORT TO CONGRESS.—Not later than April
8 30, 2015, the Administrator shall transmit to the Con-
9 gress a report on the performance of the program.

10 “(h) DEFINITIONS.—For purposes of this section, the
11 following definitions shall apply:

12 “(1) PROGRAM.—The term ‘program’ means a
13 program established pursuant to subsection (a).

14 “(2) EARLY STAGE SMALL BUSINESS CON-
15 CERN.—The term ‘early stage small business con-
16 cern’ means a small business concern that—

17 “(A) has not more than 15 employees; and

18 “(B) has average annual receipts that total
19 not more than \$1,000,000, except if the con-
20 cern is in an industry with an average annual
21 revenue standard that is less than \$1,000,000,
22 as defined by the North American Industry
23 Classification System.”.

24 “(b) REPEAL OF SIMILAR PROGRAM.—Section 304 of
25 the Small Business Administration Reauthorization and

1 Amendments Act of 1994 (15 U.S.C. 644 note) is re-
2 pealed.

3 **PART X—OTHER MATTERS**

4 **SEC. 1695. SURETY BONDS.**

5 (a) **MAXIMUM BOND AMOUNT.**—Section 411(a)(1) of
6 the Small Business Investment Act of 1958 (15 U.S.C.
7 694b(a)(1)) is amended—

8 (1) by inserting “(A)” after “(1)”;

9 (2) by striking “\$2,000,000” and inserting
10 “\$6,500,000, as adjusted for inflation in accordance
11 with section 1908 of title 41, United States Code,”;
12 and

13 (3) by adding at the end the following:

14 “(B) The Administrator may guarantee a surety
15 under subparagraph (A) for a total work order or contract
16 amount that does not exceed \$10,000,000, if a contracting
17 officer of a Federal agency certifies that such a guarantee
18 is necessary.”.

19 (b) **DENIAL OF LIABILITY.**—Section 411 of the Small
20 Business Investment Act of 1958 (15 U.S.C. 694b) is
21 amended—

22 (1) by striking subsection (e) and inserting the
23 following:

24 “(e) **REIMBURSEMENT OF SURETY; CONDITIONS.**—

25 Pursuant to any such guarantee or agreement, the Admin-

1 istration shall reimburse the surety, as provided in sub-
2 section (c) of this section, except that the Administration
3 shall be relieved of liability (in whole or in part within
4 the discretion of the Administration) if—

5 “(1) the surety obtained such guarantee or
6 agreement, or applied for such reimbursement, by
7 fraud or material misrepresentation,

8 “(2) the total contract amount at the time of
9 execution of the bond or bonds exceeds \$6,500,000,

10 “(3) the surety has breached a material term or
11 condition of such guarantee agreement, or

12 “(4) the surety has substantially violated the
13 regulations promulgated by the Administration pur-
14 suant to subsection (d).”; and

15 (2) by adding at the end the following:

16 “(j) For bonds made or executed with the prior ap-
17 proval of the Administration, the Administration shall not
18 deny liability to a surety based upon material information
19 that was provided as part of the guaranty application.”.

20 (c) SIZE STANDARDS.—Section 410 of the Small
21 Business Investment Act of 1958 (15 U.S.C. 694a) is
22 amended by adding at the end the following:

23 “(9) Notwithstanding any other provision of law or
24 any rule, regulation, or order of the Administration, for
25 purpose of sections 410, 411, and 412 the term ‘small

1 business concern' means a business concern that meets the
2 size standard for the primary industry in which such busi-
3 ness concern, and the affiliates of such business concern,
4 is engaged, as determined by the Administrator in accord-
5 ance with the North American Industry Classification Sys-
6 tem.”.

7 **SEC. 1696. ASSESSMENT OF OUTREACH FOR SMALL BUSI-**
8 **NESS CONCERNS OWNED AND CONTROLLED**
9 **BY WOMEN AND MINORITIES REQUIRED BE-**
10 **FORE CONVERSION OF CERTAIN FUNCTIONS**
11 **TO CONTRACTOR PERFORMANCE.**

12 No Department of Defense function that is per-
13 formed by Department of Defense civilian employees and
14 is tied to a certain military base may be converted to per-
15 formance by a contractor until the Secretary of Defense
16 conducts an assessment to determine if the Department
17 of Defense has carried out sufficient outreach programs
18 to assist small business concerns owned and controlled by
19 women (as such term is defined in section 8(d)(3)(D) of
20 the Small Business Act) and small business concerns
21 owned and controlled by socially and economically dis-
22 advantaged individuals (as such term is defined in section
23 8(d)(3)(C) of the Small Business Act) that are located in
24 the geographic area near the military base.

1 **SEC. 1697. LIMITATION ON CONTRACTING.**

2 No agency may enter into a contract using proce-
3 dures that do not give to small business concerns owned
4 and controlled by veterans (as that term is defined in sec-
5 tion 3(q)(3) of the Small Business Act (15 U.S.C.
6 632(q)(3)) that are included in the database under section
7 8127(f) of title 38, United States Code, any preference
8 available with respect to such contract, except for a pref-
9 erence given to small business concerns owned and con-
10 trolled by service-disabled veterans (as that term defined
11 in section 3(q)(2) of the Small Business Act (15 U.S.C.
12 632(q)(2)).

13 **TITLE XVII—END TRAFFICKING**
14 **IN GOVERNMENT CONTRACTING**

15 **SEC. 1701. SHORT TITLE.**

16 This title may be cited as the “End Trafficking in
17 Government Contracting Act of 2012”.

18 **SEC. 1702. DEFINITIONS.**

19 In this title:

20 (1) EXECUTIVE AGENCY.—The term “executive
21 agency” has the meaning given the term in section
22 133 of title 41, United States Code.

23 (2) SUBCONTRACTOR.—The term “subcon-
24 tractor” means a recipient of a contract at any tier
25 under a grant, contract, or cooperative agreement.

1 (3) SUBGRANTEE.—The term “subgrantee”
2 means a recipient of a grant at any tier under a
3 grant or cooperative agreement.

4 (4) UNITED STATES.—The term “United
5 States” has the meaning provided in section 103(12)
6 of the Trafficking Victims Protection Act of 2000
7 (22 U.S.C. 7102(12)).

8 **SEC. 1703. CONTRACTING REQUIREMENTS.**

9 Section 106(g) of the Trafficking Victims Protection
10 Act of 2000 (22 U.S.C. 7104(g)) is amended by striking
11 “if the grantee or any subgrantee,” and all that follows
12 through the period at the end and inserting the following:
13 “or take any of the other remedial actions authorized
14 under section 1705(c) of the End Trafficking in Govern-
15 ment Contracting Act of 2012, if the grantee or any sub-
16 grantee, or the contractor or any subcontractor, engages
17 in, or uses labor recruiters, brokers, or other agents who
18 engage in, (i) severe forms of trafficking in persons, (ii)
19 the procurement of a commercial sex act during the period
20 of time that the grant, contract, or cooperative agreement
21 is in effect, (iii) the use of forced labor in the performance
22 of the grant, contract, or cooperative agreement, or (iv)
23 acts that directly support or advance trafficking in per-
24 sons, including the following acts:

1 “(1) Destroying, concealing, removing, or con-
2 fiscating an employee’s immigration documents with-
3 out the employee’s consent.

4 “(2) Failing to repatriate an employee upon the
5 end of employment, unless—

6 “(A) exempted from the duty to repatriate
7 the employee by the Federal department or
8 agency providing or entering into the grant,
9 contract, or cooperative agreement; or

10 “(B) the employee is a victim of human
11 trafficking seeking victim services or legal re-
12 dress in the country of employment or a witness
13 in a human trafficking enforcement action.

14 “(3) Soliciting a person for the purpose of em-
15 ployment, or offering employment, by means of ma-
16 terially false or fraudulent pretenses, representa-
17 tions, or promises regarding that employment.

18 “(4) Charging recruited employees exorbitant
19 placement fees, such as fees equal to or greater than
20 the employee’s monthly salary, or recruitment fees
21 that violate the laws of the country from which an
22 employee is recruited.

23 “(5) Providing inhumane living conditions.”.

1 **SEC. 1704. COMPLIANCE PLAN AND CERTIFICATION RE-**
2 **QUIREMENT.**

3 (a) REQUIREMENT.—The head of an executive agen-
4 cy may not provide or enter into a grant, contract, or coop-
5 erative agreement valued at \$1,000,000 or more if per-
6 formance will substantially be conducted overseas, unless
7 a duly designated representative of the recipient of such
8 grant, contract, or cooperative agreement certifies to the
9 contracting or grant officer prior to receiving an award
10 and on an annual basis thereafter, after having conducted
11 due diligence, that—

12 (1) the recipient has implemented a plan to pre-
13 vent the activities described in section 106(g) of the
14 Trafficking Victims Protection Act of 2000 (22
15 U.S.C. 7104(g)), as amended by section 1703, and
16 is in compliance with that plan;

17 (2) the recipient has implemented procedures to
18 prevent any activities described in such section
19 106(g) and to monitor, detect, and terminate any
20 subcontractor, subgrantee, or employee of the recipi-
21 ent engaging in any activities described in such sec-
22 tion; and

23 (3) to the best of the representative's knowl-
24 edge, neither the recipient, nor any subcontractor or
25 subgrantee of the recipient or any agent of the re-
26 cipient or of such a subcontractor or subgrantee, is

1 engaged in any of the activities described in such
2 section.

3 (b) LIMITATION.—Any plan or procedures imple-
4 mented pursuant to subsection (a) shall be appropriate to
5 the size and complexity of the grant, contract, or coopera-
6 tive agreement and to the nature and scope of its activi-
7 ties, including the number of non-United States citizens
8 expected to be employed.

9 (c) DISCLOSURE.—The recipient shall provide a copy
10 of the plan to the contracting or grant officer upon re-
11 quest, and, as appropriate, shall post the useful and rel-
12 evant contents of the plan or related materials on its
13 website and at the workplace.

14 (d) PERFORMANCE SUBSTANTIALLY OVERSEAS.—
15 For purposes of subsection (a), a grant, contract, or coop-
16 erative agreement shall be considered to be performed sub-
17 stantially overseas if the estimated value of the services
18 required to be performed under the grant, contract, or co-
19 operative agreement outside the United States exceeds
20 \$500,000.

21 **SEC. 1705. MONITORING AND INVESTIGATION OF TRAF-**
22 **FICKING IN PERSONS.**

23 (a) INVESTIGATION.—If the contracting or grant offi-
24 cer of an executive agency for a grant, contract, or cooper-
25 ative agreement receives credible evidence that a recipient

1 of the grant, contract, or cooperative agreement; any sub-
2 grantee or subcontractor of the recipient; or any agent of
3 the recipient or of such a subgrantee or subcontractor, has
4 engaged in an activity described in section 106(g) of the
5 Trafficking Victims Protection Act of 2000 (22 U.S.C.
6 7104(g)), as amended by section 1703, including a report
7 from a contracting officer representative, an inspector
8 general, an auditor, an alleged victim or victim's rep-
9 resentative, or any other credible source, the contracting
10 or grant officer shall, before exercising any option to
11 renew such grant, contract, or cooperative agreement, re-
12 quest that the agency's Office of Inspector General imme-
13 diately initiate an investigation of the allegation or allega-
14 tions contained in the report. If the agency's Office of In-
15 spector General is unable to conduct a timely investiga-
16 tion, the suspension and debarment office or another in-
17 vestigative unit of the agency shall conduct the investiga-
18 tion.

19 (b) REPORT.—Upon completion of an investigation
20 under subsection (a), the office or unit that conducted the
21 investigation shall submit to the contracting or grant offi-
22 cer and, if such investigation was not conducted by the
23 agency's Office of Inspector General, to the agency's Of-
24 fice of Inspector General, a report on the investigation,
25 including conclusions about whether credible evidence ex-

1 ists that the recipient of a grant, contract, or cooperative
2 agreement; any subcontractor or subgrantee of the recipi-
3 ent; or any agent of the recipient or of such a subcon-
4 tractor or subgrantee, engaged in any of the activities de-
5 scribed in section 106(g) of the Trafficking Victims Pro-
6 tection Act of 2000 (22 U.S.C. 7104(g)), as amended by
7 section 1703.

8 (c) REMEDIAL ACTIONS.—

9 (1) IN GENERAL.—If a contracting or grant of-
10 ficial determines that a recipient of a grant, con-
11 tract, or cooperative agreement, or any subcon-
12 tractor or subgrantee of the recipient, has engaged
13 in any of the activities described in such section
14 106(g), the contracting or grant officer shall con-
15 sider taking one or more of the following remedial
16 actions:

17 (A) Requiring the recipient to remove an
18 employee from the performance of work under
19 the grant, contract, or cooperative agreement.

20 (B) Requiring the recipient to terminate a
21 subcontract or subgrant.

22 (C) Suspending payments under the grant,
23 contract, or cooperative agreement.

24 (D) Withholding award fees, consistent
25 with the award fee plan, for the performance

1 period in which the agency determined the con-
2 tractor or subcontractor engaged in any of the
3 activities described in such section 106(g).

4 (E) Declining to exercise available options
5 under the contract.

6 (F) Terminating the contract for default
7 or cause, in accordance with the termination
8 clause for the contract.

9 (G) Referring the matter to the agency
10 suspension and debarment official.

11 (H) Referring the matter to the Depart-
12 ment of Justice for prosecution under any ap-
13 plicable law.

14 (2) SAVINGS CLAUSE.—Nothing in this sub-
15 section shall be construed as limiting the scope of
16 applicable remedies available to the Federal Govern-
17 ment.

18 (3) MITIGATING FACTOR.—Where applicable,
19 the contracting or grant official may consider wheth-
20 er the contractor or grantee had a plan in place
21 under section 1704, and was in compliance with that
22 plan at the time of the violation, as a mitigating fac-
23 tor in determining which remedies, if any, should
24 apply.

1 (d) INCLUSION OF REPORT CONCLUSIONS IN
2 FAPIIS.—The contracting or grant officer shall ensure
3 that relevant findings contained in the report under sub-
4 section (b) are included in the Federal Awardee Perform-
5 ance and Integrity Information System (FAPIIS). These
6 findings shall be considered relevant past performance
7 data for the purpose of awarding future contracts, grants,
8 or cooperative agreements.

9 **SEC. 1706. NOTIFICATION TO INSPECTORS GENERAL AND**
10 **COOPERATION WITH GOVERNMENT.**

11 The head of an executive agency making or awarding
12 a grant, contract, or cooperative agreement shall require
13 that the recipient of the grant, contract, or cooperative
14 agreement—

15 (1) immediately inform the Inspector General of
16 the executive agency of any information it receives
17 from any source that alleges credible evidence that
18 the recipient; any subcontractor or subgrantee of the
19 recipient; or any agent of the recipient or of such a
20 subcontractor or subgrantee, has engaged in conduct
21 described in section 106(g) of the Trafficking in Vic-
22 tims Protection Act of 2000 (22 U.S.C. 7104(g)), as
23 amended by section 1703; and

1 (2) fully cooperate with any Federal agencies
2 responsible for audits, investigations, or corrective
3 actions relating to trafficking in persons.

4 **SEC. 1707. EXPANSION OF FRAUD IN FOREIGN LABOR CON-**
5 **TRACTING TO INCLUDE WORK OUTSIDE THE**
6 **UNITED STATES.**

7 Section 1351 of title 18, United States Code, is
8 amended—

9 (1) by striking “whoever knowingly” and insert-
10 ing “(a) WORK INSIDE THE UNITED STATES.—Who-
11 ever knowingly”; and

12 (2) by adding at the end the following new sub-
13 section:

14 “(b) WORK OUTSIDE THE UNITED STATES.—Who-
15 ever knowingly and with intent to defraud recruits, solici-
16 its, or hires a person outside the United States or causes
17 another person to recruit, solicit, or hire a person outside
18 the United States, or attempts to do so, for purposes of
19 work performed on a United States Government contract
20 performed outside the United States, or on a United
21 States military installation or mission or other property
22 or premises owned or controlled by the United States Gov-
23 ernment, by means of materially false or fraudulent pre-
24 tenses, representations, or promises regarding that em-

1 ployment, shall be fined under this title or imprisoned for
2 not more than 5 years, or both.”.

3 **SEC. 1708. IMPROVING DEPARTMENT OF DEFENSE AC-**
4 **COUNTABILITY FOR REPORTING TRAF-**
5 **FICKING IN PERSONS CLAIMS AND VIOLA-**
6 **TIONS.**

7 Section 105(d)(7)(H) of the Trafficking Victims Pro-
8 tection Act of 2000 (22 U.S.C. 7103(d)(7)(H)) is amend-
9 ed—

10 (1) in clause (iii), by inserting “and” at the end
11 after the semicolon; and

12 (2) by adding at the end the following new
13 clause:

14 “(iv) all trafficking in persons activities of contrac-
15 tors reported to the Under Secretary of Defense for Acqui-
16 sition, Technology, and Logistics;”.

17 **SEC. 1709. RULE OF CONSTRUCTION.**

18 Excluding section 1707, nothing in this title shall be
19 construed to supersede, enlarge, or diminish the common
20 law or statutory liabilities of any grantee, subgrantee, con-
21 tractor, subcontractor, or other party covered by section
22 106(g) of the Trafficking Victims Protection Act of 2000
23 (22 U.S.C. 7104(g)), as amended by section 1703.

1 **DIVISION B—MILITARY CON-**
2 **STRUCTION AUTHORIZA-**
3 **TIONS**

4 **SEC. 2001. SHORT TITLE.**

5 This division may be cited as the “Military Construc-
6 tion Authorization Act for Fiscal Year 2013”.

7 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND**
8 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
9 **LAW.**

10 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
11 YEARS.—Except as provided in subsection (b), all author-
12 izations contained in titles XXI through XXVII and title
13 XXIX for military construction projects, land acquisition,
14 family housing projects and facilities, and contributions to
15 the North Atlantic Treaty Organization Security Invest-
16 ment Program (and authorizations of appropriations
17 therefor) shall expire on the later of—

18 (1) October 1, 2015; or

19 (2) the date of the enactment of an Act author-
20 izing funds for military construction for fiscal year
21 2016.

22 (b) EXCEPTION.—Subsection (a) shall not apply to
23 authorizations for military construction projects, land ac-
24 quisition, family housing projects and facilities, and con-
25 tributions to the North Atlantic Treaty Organization Se-

1 curity Investment Program (and authorizations of appro-
2 priations therefor), for which appropriated funds have
3 been obligated before the later of—

4 (1) October 1, 2015; or

5 (2) the date of the enactment of an Act author-
6 izing funds for fiscal year 2016 for military con-
7 struction projects, land acquisition, family housing
8 projects and facilities, or contributions to the North
9 Atlantic Treaty Organization Security Investment
10 Program.

11 **SEC. 2003. EFFECTIVE DATE.**

12 Titles XXI through XXVII and title XXIX shall take
13 effect on the later of—

14 (1) October 1, 2012; or

15 (2) the date of the enactment of this Act.

16 **TITLE XXI—ARMY MILITARY**
17 **CONSTRUCTION**

18 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**
19 **ACQUISITION PROJECTS.**

20 (a) **INSIDE THE UNITED STATES.**—Using amounts
21 appropriated pursuant to the authorization of appropria-
22 tions in section 2103 and available for military construc-
23 tion projects inside the United States as specified in the
24 funding table in section 4601, the Secretary of the Army
25 may acquire real property and carry out military construc-

1 tion projects for the installations or locations inside the
 2 United States, and in the amounts, set forth in the fol-
 3 lowing table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Wainwright	\$10,400,000
	Joint Base Elmendorf-Richardson	\$7,900,000
California	Concord	\$8,900,000
Colorado	Fort Carson	\$52,000,000
District of Columbia	Fort McNair	\$7,200,000
Georgia	Fort Benning	\$16,000,000
	Fort Gordon	\$23,300,000
	Fort Stewart	\$49,650,000
Hawaii	Pohakuloa Training Area	\$29,000,000
	Schofield Barracks	\$96,000,000
	Wheeler Army Air Field	\$85,000,000
Kansas	Fort Riley	\$12,200,000
Kentucky	Fort Campbell	\$81,800,000
	Fort Knox	\$6,000,000
Missouri	Fort Leonard Wood	\$123,000,000
New Jersey	Joint Base McGuire-Dix-Lakehurst	\$47,000,000
	Picatinny Arsenal	\$10,200,000
New York	Fort Drum	\$95,000,000
	U.S. Military Academy	\$192,000,000
North Carolina	Fort Bragg	\$98,000,000
Oklahoma	Fort Sill	\$4,900,000
South Carolina	Fort Jackson	\$24,000,000
Texas	Corpus Christi	\$37,200,000
	Fort Bliss	\$7,200,000
	Fort Hood	\$51,200,000
	Joint Base San Antonio	\$21,000,000
	Arlington	\$84,000,000
Virginia	Fort Belvoir	\$94,000,000
	Fort Lee	\$81,000,000
Washington	Joint Base Lewis-McChord	\$164,000,000
	Yakima	\$5,100,000

4 (b) OUTSIDE THE UNITED STATES.—Using amounts
 5 appropriated pursuant to the authorization of appropria-
 6 tions in section 2103 and available for military construc-
 7 tion projects outside the United States as specified in the
 8 funding table in section 4601, the Secretary of the Army
 9 may acquire real property and carry out military construc-
 10 tion projects for the installations or locations outside the

1 United States, and in the amounts, set forth in the fol-
 2 lowing table:

Army: Outside the United States

Country	Installation or Location	Amount
Italy	Camp Ederle	\$36,000,000
	Vicenza	\$32,000,000
Japan	Okinawa	\$78,000,000
	Sagami	\$18,000,000
Korea	Camp Humphreys	\$45,000,000
Kwajalein Atoll	Kwajalein Atoll	\$62,000,000

3 **SEC. 2102. FAMILY HOUSING.**

4 Using amounts appropriated pursuant to the author-
 5 ization of appropriations in section 2103 and available for
 6 military family housing functions as specified in the fund-
 7 ing table in section 4601 the Secretary of the Army may
 8 carry out architectural and engineering services and con-
 9 struction design activities with respect to the construction
 10 or improvement of family housing units in an amount not
 11 to exceed \$4,641,000.

12 **SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

13 Funds are hereby authorized to be appropriated for
 14 fiscal years beginning after September 30, 2012, for mili-
 15 tary construction, land acquisition, and military family
 16 housing functions of the Department of the Army as speci-
 17 fied in the funding table in section 4601.

18 **SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT**
 19 **CERTAIN FISCAL YEAR 2010 PROJECT.**

20 In the case of the authorization contained in the table
 21 in section 2101(a) of the Military Construction Authoriza-

1 tion Act for Fiscal Year 2010 (division B of Public Law
 2 111–84; 123 Stat. 2628) for Fort Belvoir, Virginia, for
 3 construction of a Road and Access Control Point at the
 4 installation, the Secretary of the Army may construct a
 5 standard design Access Control Point consistent with the
 6 Army’s construction guidelines for Access Control Points.

7 **SEC. 2105. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 8 **FISCAL YEAR 2009 PROJECTS.**

9 (a) **EXTENSION.**—Notwithstanding section 2002 of
 10 the Military Construction Authorization Act for Fiscal
 11 Year 2009 (division B of Public Law 110–417; 122 Stat.
 12 4658), authorizations set forth in the table in subsection
 13 (b), as provided in section 2101 of that Act (122 Stat.
 14 4659), shall remain in effect until October 1, 2013, or the
 15 date of the enactment of an Act authorizing funds for mili-
 16 tary construction for fiscal year 2014, whichever is later.

17 (b) **TABLE.**—The table referred to in subsection (a)
 18 is as follows:

Army: Extension of 2009 Project Authorizations

State	Installation or Location	Project	Amount
Alabama	Anniston Army Depot.	Lake Yard Interchange	\$1,400,000
New Jersey	Picatinny Arsenal ..	Ballistic Evaluation Facility Phase I	\$9,900,000

1 **SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 2 **FISCAL YEAR 2010 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2002 of
 4 the Military Construction Authorization Act for Fiscal
 5 Year 2010 (division B of Public Law 111–84; 123 Stat.
 6 2627), authorizations set forth in the table in subsection
 7 (b), as provided in section 2101 of that Act (123 Stat.
 8 2628), shall remain in effect until October 1, 2013, or the
 9 date of the enactment of an Act authorizing funds for mili-
 10 tary construction for fiscal year 2014, whichever is later.

11 (b) TABLE.—The table referred to in subsection (a)
 12 is as follows:

Army: Extension of 2010 Project Authorizations

State	Installation or Location	Project	Amount
Louisiana	Fort Polk	Land Purchases and Con- demnation	\$17,000,000
New Jersey	Picatinny Arse- nal	Ballistic Evaluation Facil- ity Phase 2	\$10,200,000
Virginia	Fort Belvoir	Road and Access Control Point	\$9,500,000
Washington	Fort Lewis	Fort Lewis-McChord AFB Joint Access	\$9,000,000
Kuwait	Kuwait	APS Warehouses	\$82,000,000

13 **SEC. 2107. EXTENSION OF LIMITATION ON OBLIGATION OR**
 14 **EXPENDITURE OF FUNDS FOR TOUR NOR-**
 15 **MALIZATION.**

16 Section 2111 of the Military Construction Authoriza-
 17 tion Act for Fiscal Year 2012 (division B of Public Law
 18 112–81; 125 Stat. 1665) is amended in the matter pre-
 19 ceding paragraph (1) by inserting after “under this Act”

1 the following: “or an Act authorizing funds for military
2 construction for fiscal year 2013”.

3 **TITLE XXII—NAVY MILITARY**
4 **CONSTRUCTION**

5 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**
6 **ACQUISITION PROJECTS.**

7 (a) INSIDE THE UNITED STATES.—Using amounts
8 appropriated pursuant to the authorization of appropria-
9 tions in section 2204(a) and available for military con-
10 struction projects inside the United States as specified in
11 the funding table in section 4601, the Secretary of the
12 Navy may acquire real property and carry out military
13 construction projects for the installations or locations in-
14 side the United States, and in the amounts, set forth in
15 the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Yuma	\$29,285,000
California	Camp Pendleton	\$88,110,000
	Coronado	\$78,541,000
	Miramar	\$27,897,000
	Point Mugu	\$12,790,000
	San Diego	\$71,188,000
	Seal Beach	\$30,594,000
	Twentynine Palms	\$47,270,000
Florida	Jacksonville	\$21,980,000
Hawaii	Kaneohe Bay	\$97,310,000
Mississippi	Meridian	\$10,926,000
New Jersey	Earle	\$33,498,000
North Carolina	Camp Lejeune	\$69,890,000
	Cherry Point Marine Corps Air Station	\$45,891,000
	New River	\$8,525,000
South Carolina	Beaufort	\$81,780,000
	Parris Island	\$10,135,000
Virginia	Dahlgren	\$28,228,000
	Oceana Naval Air Station	\$39,086,000
	Portsmouth	\$32,706,000
	Quantico	\$58,714,000
	Yorktown	\$48,823,000
Washington	Whidbey Island	\$6,272,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
 2 appropriated pursuant to the authorization of appropria-
 3 tions in section 2204(a) and available for military con-
 4 struction projects outside the United States as specified
 5 in the funding table in section 4601, the Secretary of the
 6 Navy may acquire real property and carry out military
 7 construction projects for the installation or location out-
 8 side the United States, and in the amounts, set forth in
 9 the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Diego Garcia	Diego Garcia	\$1,691,000
Greece	Souda Bay	\$25,123,000
Japan	Iwakuni	\$13,138,000
.....	Okinawa	\$8,206,000
Romania	Deveselu	\$45,205,000
Spain	Rota	\$17,215,000
Worldwide (Unspec- ified)	Unspecified Worldwide Locations	\$34,048,000

10 **SEC. 2202. FAMILY HOUSING.**

11 Using amounts appropriated pursuant to the author-
 12 ization of appropriations in section 2204(a) and available
 13 for military family housing functions as specified in the
 14 funding table in section 4601, the Secretary of the Navy
 15 may carry out architectural and engineering services and
 16 construction design activities with respect to the construc-
 17 tion or improvement of family housing units in an amount
 18 not to exceed \$4,527,000.

1 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
2 **UNITS.**

3 Subject to section 2825 of title 10, United States
4 Code, and using amounts appropriated pursuant to the
5 authorization of appropriations in section 2204(a) and
6 available for military family housing functions, the Sec-
7 retary of the Navy may improve existing military family
8 housing units in an amount not to exceed \$97,655,000.

9 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

10 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
11 are hereby authorized to be appropriated for fiscal years
12 beginning after September 30, 2012, for military con-
13 struction, land acquisition, and military family housing
14 functions of the Department of the Navy, as specified in
15 the funding table in section 4601.

16 (b) **LIMITATION.**—The Secretary of the Navy shall
17 not enter into an award for a military construction project
18 in Romania until after the date on which the Secretary
19 submits a NATO prefinancing request for consideration
20 of the military construction project.

21 **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT**
22 **CERTAIN FISCAL YEAR 2012 PROJECT.**

23 In the case of the authorization contained in the table
24 in section 2201(a) of the Military Construction Authoriza-
25 tion Act for Fiscal Year 2012 (division B of Public Law
26 112–81; 125 Stat. 1666), for Kitsap (Bangor) Wash-

1 ington, for construction of Explosives Handling Wharf No.
 2 2 at that location, the Secretary of the Navy may acquire
 3 fee or lesser real property interests to accomplish required
 4 environmental mitigation for the project using appropria-
 5 tions authorized for the project.

6 **SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 7 **FISCAL YEAR 2009 PROJECTS.**

8 (a) EXTENSION.—Notwithstanding section 2002 of
 9 the Military Construction Authorization Act for Fiscal
 10 Year 2009 (division B of Public Law 110–417; 122 Stat.
 11 4658), the authorization set forth in the table in sub-
 12 section (b), as provided in section 2201 of that Act (122
 13 Stat. 4670) and extended by section 2206 of the Military
 14 Construction Authorization Act for Fiscal Year 2012 (di-
 15 vision B of Public Law 112–81; 125 Stat. 1668), shall
 16 remain in effect until October 1, 2013, or the date of an
 17 Act authorizing funds for military construction for fiscal
 18 year 2014, whichever is later.

19 (b) TABLE.—The table referred to in subsection (a)
 20 is as follows:

Navy: Extension of 2009 Project Authorizations

State	Installation or Location	Project	Amount
California	Marine Corps Base, Camp Pendelton.	Operations Access Points, Red Beach ..	\$11,970,000
	Marine Corps Air Station, Miramar.	Emergency Response Station	\$6,530,000
District of Co- lumbia.	Washington Navy Yard.	Child Development Center	\$9,340,000

1 **SEC. 2207. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 2 **FISCAL YEAR 2010 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2002 of
 4 the Military Construction Authorization Act for Fiscal
 5 Year 2010 (division B of Public Law 111–84; 123 Stat.
 6 2627), the authorization set forth in the table in sub-
 7 section (b), as provided in section 2201 of that Act (123
 8 Stat. 2632), shall remain in effect until October 1, 2013,
 9 or the date of an Act authorizing funds for military con-
 10 struction for fiscal year 2014, whichever is later.

11 (b) TABLE.—The table referred to in subsection (a)
 12 is as follows:

Navy: Extension of 2010 Project Authorization

State/Country	Installation or Location	Project	Amount
California	Bridgeport	Mountain Warfare Training, Com- missary	\$6,830,000
Maine	Portsmouth Naval Shipyard.	Gate 2 Security Im- provements	\$7,090,000
Djibouti	Camp Lemonier	Security Fencing	\$8,109,000
		Ammo Supply Point ...	\$21,689,000
		Interior Paved Roads ..	\$7,275,000

13 **TITLE XXIII—AIR FORCE**
 14 **MILITARY CONSTRUCTION**

15 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**
 16 **LAND ACQUISITION PROJECTS.**

17 (a) INSIDE THE UNITED STATES.—Using amounts
 18 appropriated pursuant to the authorization of appropria-
 19 tions in section 2304 and available for military construc-
 20 tion projects inside the United States as specified in the

1 funding table in section 4601, the Secretary of the Air
 2 Force may acquire real property and carry out military
 3 construction projects for the installations or locations in-
 4 side the United States, and in the amounts, set forth in
 5 the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Arkansas	Little Rock Air Force Base	\$30,178,000
Florida	Tyndall Air Force Base	\$14,750,000
Georgia	Fort Stewart	\$7,250,000
	Moody Air Force Base	\$8,500,000
New Mexico	Holloman Air Force Base	\$25,000,000
North Dakota	Minot Air Force Base	\$4,600,000
Texas	Joint Base San Antonio	\$18,000,000
Utah	Hill Air Force Base	\$13,530,000

6 (b) OUTSIDE THE UNITED STATES.—Using amounts
 7 appropriated pursuant to the authorization of appropria-
 8 tions in section 2304 and available for military construc-
 9 tion projects outside the United States as specified in the
 10 funding table in section 4601, the Secretary of the Air
 11 Force may acquire real property and carry out military
 12 construction projects for the installations or locations out-
 13 side the United States, and in the amounts, set forth in
 14 the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Greenland	Thule Air Base	\$63,500,000
Guam	Andersen Air Force Base	\$128,000,000
Italy	Aviano Air Base	\$9,400,000
Worldwide, Unspecified	Unspecified Worldwide Loca- tions	\$34,657,000

1 **SEC. 2302. FAMILY HOUSING.**

2 Using amounts appropriated pursuant to the author-
3 ization of appropriations in section 2304 and available for
4 military family housing functions as specified in the fund-
5 ing table in section 4601, the Secretary of the Air Force
6 may carry out architectural and engineering services and
7 construction design activities with respect to the construc-
8 tion or improvement of family housing units in an amount
9 not to exceed \$4,253,000.

10 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
11 **UNITS.**

12 Subject to section 2825 of title 10, United States
13 Code, and using amounts appropriated pursuant to the
14 authorization of appropriations in section 2304 and avail-
15 able for military family housing functions as specified in
16 the funding table in section 4601, the Secretary of the
17 Air Force may improve existing military family housing
18 units in an amount not to exceed \$79,571,000.

19 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
20 **FORCE.**

21 Funds are hereby authorized to be appropriated for
22 fiscal years beginning after September 30, 2012, for mili-
23 tary construction, land acquisition, and military family
24 housing functions of the Department of the Air Force, as
25 specified in the funding table in section 4601.

1 **SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 2 **FISCAL YEAR 2010 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2002 of
 4 the Military Construction Authorization Act for Fiscal
 5 Year 2010 (division B of Public Law 111–84; 123 Stat.
 6 2627), authorizations set forth in the table in subsection
 7 (b), as provided in section 2301 of that Act (123 Stat.
 8 2636), shall remain in effect until October 1, 2013, or the
 9 date of an Act authorizing funds for military construction
 10 for fiscal year 2014, whichever is later.

11 (b) TABLE.—The table referred to in subsection (a)
 12 is as follows:

Air Force: Extension of 2010 Project Authorization

State	Installation or Location	Project	Amount
Missouri	Whiteman Air Force Base	Land Acquisition North & South Boundary	\$5,500,000
Montana	Malmstrom Air Force Base	Weapons Storage Area (WSA), Phase 2	\$10,600,000

13 **TITLE XXIV—DEFENSE AGEN-**
 14 **CIES MILITARY CONSTRUC-**
 15 **TION**

16 **Subtitle A—Defense Agency**
 17 **Authorizations**

18 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**
 19 **TION AND LAND ACQUISITION PROJECTS.**

20 (a) INSIDE THE UNITED STATES.—Using amounts
 21 appropriated pursuant to the authorization of appropria-

1 tions in section 2403(a) and available for military con-
 2 struction projects inside the United States as specified in
 3 the funding table in section 4601, the Secretary of De-
 4 fense may acquire real property and carry out military
 5 construction projects for the installations or locations in-
 6 side the United States, and in the amounts, set forth in
 7 the following table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Arizona	Yuma	\$1,300,000
California	Coronado	\$55,259,000
	DEF Fuel Support Point-San Diego	\$91,563,000
	Edwards Air Force Base	\$27,500,000
	Twentynine Palms	\$27,400,000
Colorado	Buckley Air Force Base	\$30,000,000
	Fort Carson	\$56,673,000
	Pikes Peak	\$3,600,000
CONUS Classified	Classified Location	\$59,577,000
Delaware	Dover Air Force Base	\$2,000,000
Florida	Eglin Air Force Base	\$41,965,000
	Hurlburt Field	\$16,000,000
	MacDill Air Force Base	\$34,409,000
Hawaii	Joint Base Pearl Harbor-Hickam	\$24,289,000
Illinois	Great Lakes	\$28,700,000
	Scott Air Force Base	\$86,711,000
Indiana	Grissom Army Reserve Base	\$26,800,000
Kentucky	Fort Campbell	\$71,639,000
Louisiana	Barksdale Air Force Base	\$11,700,000
Maryland	Annapolis	\$66,500,000
	Bethesda Naval Hospital	\$69,200,000
	Fort Meade	\$128,600,000
Missouri	Fort Leonard Wood	\$18,100,000
New Mexico	Cannon Air Force Base	\$93,085,000
New York	Fort Drum	\$43,200,000
North Carolina	Camp Lejeune	\$80,064,000
	Fort Bragg	\$100,422,000
	Seymour Johnson Air Force Base	\$55,450,000
Pennsylvania	DEF Distribution Depot New Cumberland	\$17,400,000
South Carolina	Shaw Air Force Base	\$57,200,000
Texas	Red River Army Depot	\$16,715,000
Virginia	Dam Neck	\$11,000,000
	Joint Expeditionary Base Little Creek-Fort Story	\$11,132,000
	Norfolk	\$8,500,000
Washington	Fort Lewis	\$50,520,000

8 (b) OUTSIDE THE UNITED STATES.—Using amounts
 9 appropriated pursuant to the authorization of appropria-

1 tions in section 2403(a) and available for military con-
 2 struction projects outside the United States as specified
 3 in the funding table in section 4601, the Secretary of De-
 4 fense may acquire real property and carry out military
 5 construction projects for the installations or locations out-
 6 side the United States, and in the amounts, set forth in
 7 the following table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Belgium	Brussels	\$26,969,000
Germany	Stuttgart-Patch Barracks	\$2,413,000
	Vogelweh	\$61,415,000
	Weisbaden	\$52,178,000
Guam	Andersen Air Force Base	\$67,500,000
Guantanamo Bay, Cuba	Guantanamo Bay	\$40,200,000
Japan	Camp Zama	\$13,273,000
	Kadena Air Base	\$143,545,000
	Sasebo	\$35,733,000
	Zukeran	\$79,036,000
Korea	Kunsan Air Base	\$13,000,000
	Osan Air Base	\$77,292,000
Romania	Deveselu	\$157,900,000
United Kingdom	Menwith Hill Station	\$50,283,000
	Royal Air Force Feltwell	\$30,811,000
	Royal Air Force Mildenhall	\$6,490,000

8 **SEC. 2402. AUTHORIZED ENERGY CONSERVATION**
 9 **PROJECTS.**

10 (a) **INSIDE THE UNITED STATES.**—Using amounts
 11 appropriated pursuant to the authorization of appropria-
 12 tions in section 2403(a) and available for energy conserva-
 13 tion projects inside the United States as specified in the
 14 funding table in section 4601, the Secretary of Defense
 15 may carry out energy conservation projects under chapter
 16 173 of title 10, United States Code, for the installations

1 or locations inside the United States, and in the amounts,
 2 set forth in the following table:

Energy Conservation Projects: Inside the United States

State	Installation or Location	Amount
Alaska	Clear	\$15,337,000
California	Fort Hunter Liggett	\$9,600,000
	Parks RFTA	\$9,256,000
Colorado	Aerospace Data Facility	\$3,310,000
	Fort Carson	\$4,000,000
Hawaii	Joint Base Pearl Harbor Hickam	\$6,610,000
Missouri	Whiteman	\$6,000,000
North Carolina	Fort Bragg	\$2,700,000
	MCB Camp Lejeune	\$5,701,000
New Jersey	Sea Girt	\$3,000,000
Pennsylvania	NSA Mechanicsburg	\$19,926,000
	Susquehanna	\$2,550,000
	Tobychanna Army Depot	\$3,950,000
Tennessee	Arnold	\$3,606,000
Texas	Fort Bliss	\$5,700,000
	Fort Bliss	\$2,600,000
	Laughlin	\$4,800,000
Virginia	MCB Quantico	\$7,943,000
	Pentagon Reservation	\$2,360,000
	Pentagon Reservation	\$2,120,000
Various Locations	Various Locations	\$12,886,000

3 (b) OUTSIDE THE UNITED STATES.—Using amounts
 4 appropriated pursuant to the authorization of appropria-
 5 tions in section 2403 and available for energy conservation
 6 projects outside the United States as specified in the fund-
 7 ing table in section 4601, the Secretary of Defense may
 8 carry out energy conservation projects under chapter 173
 9 of title 10, United States Code, for the installations or
 10 locations outside the United States, and in the amounts,
 11 set forth in the following table:

Energy Conservation Projects: Outside the United States

Country	Installation or Location	Amount
Italy	Naval Air Station Sigonella	\$6,121,000
Spain	Naval Station Rota	\$2,671,000
Various Locations	Various Locations	\$7,253,000

1 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE-**
2 **FENSE AGENCIES.**

3 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
4 are hereby authorized to be appropriated for fiscal years
5 beginning after September 30, 2012, for military con-
6 struction, land acquisition, and military family housing
7 functions of the Department of Defense (other than the
8 military departments), as specified in the funding table
9 in section 4601.

10 (b) LIMITATION.—The Secretary of Defense shall not
11 enter into an award for a military construction project in
12 Romania until after the date on which the Secretary sub-
13 mits a NATO prefinancing request for consideration of the
14 military construction project.

15 **SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT**
16 **CERTAIN FISCAL YEAR 2012 PROJECTS.**

17 (a) MARYLAND.—The table in section 2401(a) of the
18 Military Construction Authorization Act for Fiscal Year
19 2012 (division B of Public Law 112–81; 125 Stat. 1672),
20 is amended in the item relating to Fort Meade, Maryland,
21 by striking “\$29,640,000” in the amount column and in-
22 serting “\$792,200,000”.

23 (b) GERMANY.—The table in section 2401(b) of the
24 Military Construction Authorization Act for Fiscal Year
25 2012 (division B of Public Law 112–81; 125 Stat. 1673),
26 is amended in the item relating to Rhine Ordnance Bar-

1 racks, Germany, by striking “\$750,000,000” in the
 2 amount column and inserting “\$850,000,000”.

3 **SEC. 2405. EXTENSION OF AUTHORIZATION OF CERTAIN**
 4 **FISCAL YEAR 2010 PROJECT.**

5 (a) **EXTENSION.**—Notwithstanding section 2002 of
 6 the Military Construction Authorization Act for Fiscal
 7 Year 2010 (division B of Public Law 111–84; 123 Stat.
 8 2627), the authorization set forth in the table in sub-
 9 section (b), as provided in section 2401(a) of that Act
 10 (123 Stat. 2640), shall remain in effect until October 1,
 11 2013, or the date of the enactment of an Act authorizing
 12 funds for military construction for fiscal year 2014, which-
 13 ever is later.

14 (b) **TABLE.**—The table referred to in subsection (a)
 15 is as follows:

Extension of 2010 Project Authorization

State	Installation or Location	Project	Amount
Virginia	Pentagon Reservation	Pentagon electrical upgrade	\$19,272,000

16 **Subtitle B—Chemical**
 17 **Demilitarization Authorizations**

18 **SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEM-**
 19 **ICAL DEMILITARIZATION CONSTRUCTION,**
 20 **DEFENSE-WIDE.**

21 Funds are hereby authorized to be appropriated for
 22 fiscal years beginning after September 30, 2012, for mili-

1 tary construction and land acquisition for chemical demili-
2 tarization as specified in the funding table in section 4601.

3 **SEC. 2412. MODIFICATION OF AUTHORITY TO CARRY OUT**
4 **CERTAIN FISCAL YEAR 1997 PROJECT.**

5 (a) MODIFICATIONS.—The table in section 2401(a)
6 of the Military Construction Authorization Act for Fiscal
7 Year 1997 (division B of Public Law 104–201; 110 Stat.
8 2775), as amended by section 2406 of the Military Con-
9 struction Authorization Act for Fiscal Year 2000 (division
10 B of Public Law 106–65; 113 Stat. 839), section 2407
11 of the Military Construction Authorization Act for Fiscal
12 Year 2003 (division B of Public Law 107–314; 116 Stat.
13 2699), and section 2413 of the Military Construction Au-
14 thorization Act for Fiscal Year 2009 (division B of Public
15 Law 110–417; 122 Stat. 4697), is further amended—

16 (1) under the agency heading relating to Chem-
17 ical Demilitarization Program, in the item relating
18 to Pueblo Army Depot, Colorado, by striking
19 “\$484,000,000” in the amount column and inserting
20 “\$520,000,000”; and

21 (2) by striking the amount identified as the
22 total in the amount column and inserting
23 “\$866,454,000”.

24 (b) CONFORMING AMENDMENT.—Section 2406(b)(2)
25 of the Military Construction Authorization Act for Fiscal

1 Year 1997 (110 Stat. 2779), as so amended, is further
2 amended by striking “\$484,000,000” and inserting
3 “\$520,000,000”.

4 **TITLE XXV—NORTH ATLANTIC**
5 **TREATY ORGANIZATION SE-**
6 **CURITY INVESTMENT PRO-**
7 **GRAM**

8 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
9 **ACQUISITION PROJECTS.**

10 The Secretary of Defense may make contributions for
11 the North Atlantic Treaty Organization Security Invest-
12 ment Program as provided in section 2806 of title 10,
13 United States Code, in an amount not to exceed the sum
14 of the amount authorized to be appropriated for this pur-
15 pose in section 2502 and the amount collected from the
16 North Atlantic Treaty Organization as a result of con-
17 struction previously financed by the United States.

18 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

19 Funds are hereby authorized to be appropriated for
20 fiscal years beginning after September 30, 2012, for con-
21 tributions by the Secretary of Defense under section 2806
22 of title 10, United States Code, for the share of the United
23 States of the cost of projects for the North Atlantic Treaty
24 Organization Security Investment Program authorized by

1 section 2501 as specified in the funding table in section
2 4601.

3 **TITLE XXVI—GUARD AND**
4 **RESERVE FORCES FACILITIES**
5 **Subtitle A—Project Authorizations**
6 **and Authorization of Appropria-**
7 **tions**

8 **SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CON-**
9 **STRUCTION AND LAND ACQUISITION**
10 **PROJECTS.**

11 (a) INSIDE THE UNITED STATES.—Using amounts
12 appropriated pursuant to the authorization of appropria-
13 tions in section 2606 and available for the National Guard
14 and Reserve as specified in the funding table in section
15 4601, the Secretary of the Army may acquire real prop-
16 erty and carry out military construction projects for the
17 Army National Guard locations inside the United States,
18 and in the amounts, set forth in the following table:

Army National Guard: Inside the United States

State	Location	Amount
Alabama	Fort McClellan	\$5,400,000
Arkansas	Searcy	\$6,800,000
California	Fort Irwin	\$25,000,000
Connecticut	Camp Hartell	\$32,000,000
Delaware	Bethany Beach	\$5,500,000
Florida	Camp Blanding	\$9,000,000
	Miramar	\$20,000,000
Hawaii	Kapolei	\$28,000,000
Idaho	Orchard Training Area	\$40,000,000
Indiana	South Bend	\$21,000,000
	Terra Haute	\$9,000,000
Iowa	Camp Dodge	\$3,000,000
Kansas	Topeka	\$9,500,000
Kentucky	Frankfort	\$32,000,000
Massachusetts	Camp Edwards	\$27,200,000
Michigan	Camp Grayling	\$17,000,000

Army National Guard: Inside the United States—Continued

State	Location	Amount
Minnesota	Camp Ripley	\$17,000,000
	St. Paul	\$17,000,000
Missouri	Fort Leonard Wood	\$18,000,000
	Kansas City	\$1,900,000
	Monett	\$820,000
	Perryville	\$700,000
Montana	Miles City	\$11,000,000
New Jersey	Sea Girt	\$34,000,000
New York	Stomville	\$24,000,000
Ohio	Chilleothe	\$3,100,000
	Delaware	\$12,000,000
Oklahoma	Camp Gruber	\$25,000,000
Utah	Camp Williams	\$36,000,000
Vermont	North Hyde Park	\$4,397,000
Washington	Fort Lewis	\$35,000,000
West Virginia	Logan	\$14,200,000
Wisconsin	Wausau	\$10,000,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2606 and available for the National Guard
4 and Reserve as specified in the funding table in section
5 4601, the Secretary of the Army may acquire real prop-
6 erty and carry out military construction projects for the
7 Army National Guard locations outside the United States,
8 and in the amounts, set forth in the following table:

Army National Guard: Outside the United States

Country	Location	Amount
Guam	Barrigada	\$8,500,000
Puerto Rico	Camp Santiago	\$3,800,000
	Ceiba	\$2,200,000
	Guaynabo	\$15,000,000
	Gurabo	\$14,700,000

9 **SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION**
10 **AND LAND ACQUISITION PROJECTS.**

11 Using amounts appropriated pursuant to the author-
12 ization of appropriations in section 2606 and available for
13 the National Guard and Reserve as specified in the fund-

1 ing table in section 4601, the Secretary of the Army may
 2 acquire real property and carry out military construction
 3 projects for the Army Reserve locations inside the United
 4 States, and in the amounts, set forth in the following
 5 table:

Army Reserve

State	Location	Amount
California	Fort Hunter Liggett	\$78,300,000
	Tustin	\$27,000,000
Illinois	Fort Sheridan	\$28,000,000
Maryland	Aberdeen Proving Ground	\$21,000,000
	Baltimore	\$10,000,000
Massachusetts	Devens Reserve Forces Training Area	\$8,500,000
Nevada	Las Vegas	\$21,000,000
New Jersey	Joint Base McGuire-Dix-Lakehurst ...	\$7,400,000
Pennsylvania	Conneant Lake	\$4,800,000
Washington	Joint Base Lewis-McChord	\$40,000,000
Wisconsin	Fort McCoy	\$47,800,000

6 **SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE**
 7 **CORPS RESERVE CONSTRUCTION AND LAND**
 8 **ACQUISITION PROJECTS.**

9 Using amounts appropriated pursuant to the author-
 10 ization of appropriations in section 2606 and available for
 11 the National Guard and Reserve as specified in the fund-
 12 ing table in section 4601, the Secretary of the Navy may
 13 acquire real property and carry out military construction
 14 projects for the Navy Reserve and Marine Corps Reserve
 15 locations inside the United States, and in the amounts,
 16 set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
Arizona	Yuma	\$5,379,000
Iowa	Fort Des Moines	\$19,162,000
Louisiana	New Orleans	\$7,187,000
New York	Brooklyn	\$4,430,000

Navy Reserve and Marine Corps Reserve—Continued

State	Location	Amount
Texas	Fort Worth	\$11,256,000

1 **SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

2
 3 Using amounts appropriated pursuant to the author-
 4 ization of appropriations in section 2606 and available for
 5 the National Guard and Reserve as specified in the fund-
 6 ing table in section 4601, the Secretary of the Air Force
 7 may acquire real property and carry out military construc-
 8 tion projects for the Air National Guard locations inside
 9 the United States, and in the amounts, set forth in the
 10 following table:

Air National Guard

State	Location	Amount
California	Fresno Yosemite International Airport Air National Guard	\$11,000,000
Hawaii	Joint Base Pearl Harbor-Hickam	\$6,500,000
New Mexico	Kirtland Air Force Base	\$8,500,000
Tennessee	McGee-Tyson Airport	\$18,000,000
Wyoming	Cheyenne Municipal Airport	\$6,486,000

11 **SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

12
 13 Using amounts appropriated pursuant to the author-
 14 ization of appropriations in section 2606 and available for
 15 the National Guard and Reserve as specified in the fund-
 16 ing table in section 4601, the Secretary of the Air Force
 17 may acquire real property and carry out military construc-
 18 tion projects for the Air Force Reserve locations inside

1 the United States, and in the amounts, set forth in the
2 following table:

Air Force Reserve

State	Location	Amount
California	March Air Reserve Base	\$16,900,000
New York	Niagara Falls International Airport	\$6,100,000

3 **SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NA-**
4 **TIONAL GUARD AND RESERVE.**

5 Funds are hereby authorized to be appropriated for
6 fiscal years beginning after September 30, 2012, for the
7 costs of acquisition, architectural and engineering services,
8 and construction of facilities for the Guard and Reserve
9 Forces, and for contributions therefor, under chapter
10 1803 of title 10, United States Code (including the cost
11 of acquisition of land for those facilities), as specified in
12 the funding table in section 4601.

13 **Subtitle B—Other Matters**

14 **SEC. 2611. MODIFICATION OF AUTHORITY TO CARRY OUT**
15 **CERTAIN FISCAL YEAR 2010 PROJECTS.**

16 (a) AUTHORITY TO CARRY OUT ARMY NATIONAL
17 GUARD READINESS CENTER PROJECT, NORTH LAS
18 VEGAS, NEVADA.—In the case of the authorization con-
19 tained in the table in section 2601 of the Military Con-
20 struction Authorization Act for Fiscal Year 2010 (division
21 B of Public Law 111–84; 123 Stat. 2648) for North Las
22 Vegas, Nevada, for construction of a Readiness Center,

1 the Secretary of the Army may construct up to 68,593
2 square feet of readiness center, 10,000 square feet of
3 unheated equipment storage area, and 25,000 square feet
4 of unheated vehicle storage, consistent with the Army's
5 construction guidelines for readiness centers.

6 (b) AUTHORITY TO CARRY OUT ARMY RESERVE
7 CENTER PROJECT, MIRAMAR, CALIFORNIA.—In the case
8 of the authorization contained in the table in section 2602
9 of the Military Construction Authorization Act for Fiscal
10 Year 2010 (division B of Public Law 111–84; 123 Stat.
11 2649) for Camp Pendleton, California, for construction of
12 an Army Reserve Center, the Secretary of the Army may
13 instead construct an Army Reserve Center in the vicinity
14 of the Marine Corps Air Station, Miramar, California.

15 (c) AUTHORITY TO CARRY OUT ARMY RESERVE CEN-
16 TER PROJECT, BRIDGEPORT, CONNECTICUT.—In the case
17 of the authorization contained in the table in section 2602
18 of the Military Construction Authorization Act for Fiscal
19 Year 2010 (division B of Public Law 111–84; 123 Stat.
20 2649) for Bridgeport, Connecticut, for construction of an
21 Army Reserve Center/Land, the Secretary of the Army
22 may instead construct an Army Reserve Center and ac-
23 quire land in the vicinity of Bridgeport, Connecticut.

1 **SEC. 2612. MODIFICATION OF AUTHORITY TO CARRY OUT**
2 **CERTAIN FISCAL YEAR 2011 PROJECTS.**

3 (a) **AUTHORITY TO CARRY OUT ARMY RESERVE**
4 **CENTER PROJECT, FORT STORY, VIRGINIA.**—In the case
5 of the authorization contained in the table in section 2602
6 of the Military Construction Authorization Act for Fiscal
7 Year 2011 (division B of Public Law 111–383; 124 Stat.
8 4453) for Fort Story, Virginia, for construction of an
9 Army Reserve Center, the Secretary of the Army may in-
10 stead construct an Army Reserve Center in the vicinity
11 of Fort Story, Virginia.

12 (b) **AUTHORITY TO CARRY OUT ARMY NATIONAL**
13 **GUARD PROJECT, FORT CHAFFEE, ARKANSAS.**—In the
14 case of the authorization contained in the table in section
15 2601 of the Military Construction Authorization Act for
16 Fiscal Year 2011 (division B of Public Law 111–383; 124
17 Stat. 4451) for Fort Chaffee, Arkansas, for construction
18 of a Live Fire Shoot House, the Secretary of the Army
19 may construct up to 5,869 square feet of Live Fire Shoot
20 House.

21 (c) **AUTHORITY TO CARRY OUT ARMY NATIONAL**
22 **GUARD PROJECT, WINDSOR LOCKS, CONNECTICUT.**—In
23 the case of the authorization contained in the table in sec-
24 tion 2601 of the Military Construction Authorization Act
25 for Fiscal Year 2011 (division B of Public Law 111–383;
26 124 Stat. 4451) for Windsor Locks, Connecticut, for con-

1 construction of a Readiness Center, the Secretary of the Army
2 may construct up to 119,510 square feet of a Readiness
3 Center.

4 (d) AUTHORITY TO CARRY OUT ARMY NATIONAL
5 GUARD PROJECT, KALAELOA, HAWAII.—In the case of
6 the authorization contained in the table in section 2601
7 of the Military Construction Authorization Act for Fiscal
8 Year 2011 (division B of Public Law 111–383; 124 Stat.
9 4451) for Kalealoea, Hawaii, for construction of a Com-
10 bined Support Maintenance Shop, the Secretary of the
11 Army may construct up to 137,548 square feet of a Com-
12 bined Support Maintenance Shop.

13 (e) AUTHORITY TO CARRY OUT ARMY NATIONAL
14 GUARD PROJECT, WICHITA, KANSAS.—In the case of the
15 authorization contained in the table in section 2601 of the
16 Military Construction Authorization Act for Fiscal Year
17 2011 (division B of Public Law 111–383; 124 Stat. 4451)
18 for Wichita, Kansas, for construction of a Field Mainte-
19 nance Shop, the Secretary of the Army may construct up
20 to 62,102 square feet of Field Maintenance Shop.

21 (f) AUTHORITY TO CARRY OUT ARMY NATIONAL
22 GUARD PROJECT, MINDEN, LOUISIANA.—In the case of
23 the authorization contained in the table in section 2601
24 of the Military Construction Authorization Act for Fiscal
25 Year 2011 (division B of Public Law 111–383; 124 Stat.

1 4451) for Minden, Louisiana, for construction of a Readiness Center, the Secretary of the Army may construct up to 90,944 square feet of a Readiness Center.

4 (g) AUTHORITY TO CARRY OUT ARMY NATIONAL
5 GUARD PROJECT, SAINT INIGOES, MARYLAND.—In the
6 case of the authorization contained in the table in section
7 2601 of the Military Construction Authorization Act for
8 Fiscal Year 2011 (division B of Public Law 111–383; 124
9 Stat. 4451) for Saint Inigoes, Maryland, for construction
10 of a Tactical Unmanned Aircraft System Facility, the Secretary of the Army may construct up to 10,298 square
11 feet of a Tactical Unmanned Aircraft System Facility.

13 (h) AUTHORITY TO CARRY OUT ARMY NATIONAL
14 GUARD PROJECT, CAMP GRAFTON, NORTH DAKOTA.—In
15 the case of the authorization contained in the table in section
16 2601 of the Military Construction Authorization Act
17 for Fiscal Year 2011 (division B of Public Law 111–383;
18 124 Stat. 4451) for Camp Grafton, North Dakota, for
19 construction of a Readiness Center, the Secretary of the
20 Army may construct up to 68,671 square feet of a Readiness Center.

22 (i) AUTHORITY TO CARRY OUT ARMY NATIONAL
23 GUARD PROJECT, WATERTOWN, SOUTH DAKOTA.—In the
24 case of the authorization contained in the table in section
25 2601 of the Military Construction Authorization Act for

1 Fiscal Year 2011 (division B of Public Law 111–383; 124
 2 Stat. 4451) for Watertown, South Dakota, for construc-
 3 tion of a Readiness Center, the Secretary of the Army may
 4 construct up to 97,865 square feet of a Readiness Center.

5 **SEC. 2613. EXTENSION OF AUTHORIZATION OF CERTAIN**
 6 **FISCAL YEAR 2009 PROJECT.**

7 (a) EXTENSION.—Notwithstanding section 2002 of
 8 the Military Construction Authorization Act for Fiscal
 9 Year 2009 (division B of Public Law 110–417; 122 Stat.
 10 4658), the authorization set forth in the table in sub-
 11 section (b), as provided in section 2604 of that Act (122
 12 Stat. 4706), shall remain in effect until October 1, 2013,
 13 or the date of the enactment of an Act authorizing funds
 14 for military construction for fiscal year 2014, whichever
 15 is later.

16 (b) TABLE.—The table referred to in subsection (a)
 17 is as follows:

Air National Guard: Extension of 2009 Project Authorization

State	Installation or Location	Project	Amount
Mississippi	Gulfport-Biloxi Airport.	Relocate Munitions Complex	\$3,400,000

18 **SEC. 2614. EXTENSION OF AUTHORIZATION OF CERTAIN**
 19 **FISCAL YEAR 2010 PROJECTS.**

20 (a) EXTENSION.—Notwithstanding section 2002 of
 21 the Military Construction Authorization Act for Fiscal
 22 Year 2010 (division B of Public Law 111–84; 123 Stat.

1 2627), the authorizations set forth in the tables in sub-
 2 section (b), as provided in sections 2602 and 2604 of that
 3 Act (123 Stat. 2649, 2651), shall remain in effect until
 4 October 1, 2013, or the date of the enactment of an Act
 5 authorizing funds for military construction for fiscal year
 6 2014, whichever is later.

7 (b) TABLE.—The tables referred to in subsection (a)
 8 are as follows:

Army Reserve: Extension of 2010 Project Authorizations

State	Installation or Location	Project	Amount
California	Camp Pendleton	Army Reserve Center	\$19,500,000
Connecticut	Bridgeport	Army Reserve Center/Land ...	\$18,500,000

Air National Guard: Extension of 2010 Project Authorization

State	Installation or Location	Project	Amount
Mississippi	Gulfport-Biloxi Airport	Relocate Base Entrance	\$6,500,000

9 **TITLE XXVII—BASE REALIGN-**
 10 **MENT AND CLOSURE ACTIVI-**
 11 **TIES**

12 **Subtitle A—Authorization of**
 13 **Appropriations**

14 **SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR**
 15 **BASE REALIGNMENT AND CLOSURE ACTIVI-**
 16 **TIES FUNDED THROUGH DEPARTMENT OF**
 17 **DEFENSE BASE CLOSURE ACCOUNT 1990.**

18 Funds are hereby authorized to be appropriated for
 19 fiscal years beginning after September 30, 2012, for base

1 realignment and closure activities, including real property
2 acquisition and military construction projects, as author-
3 ized by the Defense Base Closure and Realignment Act
4 of 1990 (part A of title XXIX of Public Law 101–510;
5 10 U.S.C. 2687 note) and funded through the Department
6 of Defense Base Closure Account 1990 established by sec-
7 tion 2906 of such Act as specified in the funding table
8 in section 4601.

9 **SEC. 2702. AUTHORIZATION OF APPROPRIATIONS FOR**
10 **BASE REALIGNMENT AND CLOSURE ACTIVI-**
11 **TIES FUNDED THROUGH DEPARTMENT OF**
12 **DEFENSE BASE CLOSURE ACCOUNT 2005.**

13 Funds are hereby authorized to be appropriated for
14 fiscal years beginning after September 30, 2012, for base
15 realignment and closure activities, including real property
16 acquisition and military construction projects, as author-
17 ized by the Defense Base Closure and Realignment Act
18 of 1990 (part A of title XXIX of Public Law 101–510;
19 10 U.S.C. 2687 note) and funded through the Department
20 of Defense Base Closure Account 2005 established by sec-
21 tion 2906A of such Act as specified in the funding table
22 in section 4601.

1 **Subtitle B—Other Matters**

2 **SEC. 2711. CONSOLIDATION OF DEPARTMENT OF DEFENSE** 3 **BASE CLOSURE ACCOUNTS AND AUTHORIZED** 4 **USES OF BASE CLOSURE ACCOUNT FUNDS.**

5 (a) ESTABLISHMENT OF SINGLE DEPARTMENT OF
6 DEFENSE BASE CLOSURE ACCOUNT; USE OF FUNDS.—
7 The Defense Base Closure and Realignment Act of 1990
8 (part A of title XXIX of Public Law 101–510; 10 U.S.C.
9 2687 note) is amended by striking sections 2906 and
10 2906A and inserting the following new section 2906:

11 **“SEC. 2906. DEPARTMENT OF DEFENSE BASE CLOSURE AC-** 12 **COUNT.**

13 “(a) ESTABLISHMENT.—There is hereby established
14 on the books of the Treasury an account to be known as
15 the ‘Department of Defense Base Closure Account’ which
16 shall be administered by the Secretary as a single account.

17 “(b) CREDITS TO ACCOUNT.—There shall be credited
18 to the Account the following:

19 “(1) Funds authorized for and appropriated to
20 the Account.

21 “(2) Funds transferred to the Account pursu-
22 ant to section ____ (b) of the National Defense Au-
23 thorization Act for Fiscal Year 2013.

24 “(3) Funds that the Secretary may, subject to
25 approval in an appropriation Act, transfer to the Ac-

1 count from funds appropriated to the Department of
2 Defense for any purpose, except that funds may be
3 transferred under the authority of this paragraph
4 only after the date on which the Secretary transmits
5 written notice of, and justification for, such transfer
6 to the congressional defense committees.

7 “(4) Proceeds received from the lease, transfer,
8 or disposal of any property at a military installation
9 closed or realigned under this part or the 1988
10 BRAC law.

11 “(c) USE OF ACCOUNT.—

12 “(1) AUTHORIZED PURPOSES.—The Secretary
13 may use the funds in the Account only for the fol-
14 lowing purposes:

15 “(A) To carry out the Defense Environ-
16 mental Restoration Program under section
17 2701 of title 10, United States Code, and other
18 environmental restoration and mitigation activi-
19 ties at military installations closed or realigned
20 under this part or the 1988 BRAC law.

21 “(B) To cover property management, dis-
22 posal, and caretaker costs incurred at military
23 installations closed or realigned under this part
24 or the 1988 BRAC law.

1 “(C) To cover costs associated with super-
2 vision, inspection, overhead, engineering, and
3 design of military construction projects under-
4 taken under this part or the 1988 BRAC law
5 before September 30, 2013, and subsequent
6 claims, if any, related to such activities.

7 “(D) To record, adjust, and liquidate obli-
8 gations properly chargeable to the following ac-
9 counts:

10 “(i) The Department of Defense Base
11 Closure Account 2005 established by sec-
12 tion 2906A of this part, as in effect on
13 September 30, 2013.

14 “(ii) The Department of Defense Base
15 Closure Account 1990 established by this
16 section, as in effect on September 30,
17 2013.

18 “(iii) The Department of Defense
19 Base Closure Account established by sec-
20 tion 207 of the 1988 BRAC law, as in ef-
21 fect on September 30, 2013.

22 “(2) SOLE SOURCE OF FUNDS.—The Account
23 shall be the sole source of Federal funds for the ac-
24 tivities specified in paragraph (1) at a military in-

1 stallation closed or realigned under this part or the
2 1988 BRAC law.

3 “(3) PROHIBITION ON USE OF ACCOUNT FOR
4 NEW MILITARY CONSTRUCTION.—Except as provided
5 in paragraph (1), funds in the Account may not be
6 used, directly or by transfer to another appropria-
7 tions account, to carry out a military construction
8 project, including a minor military construction
9 project, under section 2905(a) or any other provision
10 of law at a military installation closed or realigned
11 under this part or the 1988 BRAC law.

12 “(d) DISPOSAL OR TRANSFER OF COMMISSARY
13 STORES AND PROPERTY PURCHASED WITH NON-
14 APPROPRIATED FUNDS.—

15 “(1) DEPOSIT OF PROCEEDS IN RESERVE AC-
16 COUNT.—If any real property or facility acquired,
17 constructed, or improved (in whole or in part) with
18 commissary store funds or nonappropriated funds is
19 transferred or disposed of in connection with the clo-
20 sure or realignment of a military installation under
21 this part, a portion of the proceeds of the transfer
22 or other disposal of property on that installation
23 shall be deposited in the reserve account established
24 under section 204(b)(7)(C) of the 1988 BRAC law.

1 “(2) The amount so deposited under paragraph
2 (1) shall be equal to the depreciated value of the in-
3 vestment made with such funds in the acquisition,
4 construction, or improvement of that particular real
5 property or facility. The depreciated value of the in-
6 vestment shall be computed in accordance with regu-
7 lations prescribed by the Secretary of Defense.

8 “(3) USE OF RESERVE FUNDS.—Subject to the
9 limitation contained in section 204(b)(7)(C)(iii) of
10 the 1988 BRAC law, amounts in the reserve account
11 are hereby made available to the Secretary, without
12 appropriation and until expended, for the purpose of
13 acquiring, constructing, and improving—

14 “(A) commissary stores; and

15 “(B) real property and facilities for non-
16 appropriated fund instrumentalities.

17 “(e) ANNUAL REPORTS.—

18 “(1) ANNUAL ACCOUNTING.—No later than 60
19 days after the end of each fiscal year in which the
20 Secretary carries out activities under this part, the
21 Secretary shall transmit a report to the congres-
22 sional defense committees containing an accounting
23 of—

1 “(A) the amount and nature of credits to,
2 and expenditures from, the Account during
3 such fiscal year; and

4 “(B) the amount and nature of anticipated
5 deposits to be made into, and the anticipated
6 expenditures to be made from, the Account dur-
7 ing the first fiscal year commencing after the
8 submission of the report.

9 “(2) SPECIFIC ELEMENTS OF REPORT.—The
10 report for a fiscal year shall include the following:

11 “(A) The obligations and expenditures
12 from the Account during the fiscal year, identi-
13 fied by subaccount and installation, for each
14 military department and Defense Agency.

15 “(B) The fiscal year in which appropria-
16 tions or transfers for such expenditures were
17 made and the fiscal year in which funds were
18 obligated for such expenditures.

19 “(C) An estimate of the net revenues to be
20 received from property disposals under this part
21 or the 1988 BRAC law to be completed during
22 the first fiscal year commencing after the sub-
23 mission of the report.

24 “(f) CLOSURE OF ACCOUNT; TREATMENT OF RE-
25 MAINING FUNDS.—

1 “(1) CLOSURE.—The Account shall be closed at
2 the time and in the manner provided for appropria-
3 tion accounts under section 1555 of title 31, United
4 States Code, except that unobligated funds which re-
5 main in the Account upon closure shall be held by
6 the Secretary of the Treasury until transferred by
7 law after the congressional defense committees re-
8 ceive the final report transmitted under paragraph
9 (2).

10 “(2) FINAL REPORT.—No later than 60 days
11 after the closure of the Account under paragraph
12 (1), the Secretary shall transmit to the congressional
13 defense committees a report containing an account-
14 ing of—

15 “(A) all the funds credited to and ex-
16 pended from the Account or otherwise expended
17 under this part or the 1988 BRAC law; and

18 “(B) any funds remaining in the Account.

19 “(g) DEFINITIONS.—In this section:

20 “(1) The term ‘commissary store funds’ means
21 funds received from the adjustment of, or surcharge
22 on, selling prices at commissary stores fixed under
23 section 2685 of title 10, United States Code.

1 “(2) The term ‘nonappropriated funds’ means
2 funds received from a nonappropriated fund instru-
3 mentality.

4 “(3) The term ‘nonappropriated fund instru-
5 mentality’ means an instrumentality of the United
6 States under the jurisdiction of the Armed Forces
7 (including the Army and Air Force Exchange Serv-
8 ice, the Navy Resale and Services Support Office,
9 and the Marine Corps exchanges) which is conducted
10 for the comfort, pleasure, contentment, or physical
11 or mental improvement of members of the Armed
12 Forces.

13 “(4) The term ‘1988 BRAC law’ means title II
14 of the Defense Authorization Amendments and Base
15 Closure and Realignment Act (Public Law 100–526;
16 10 U.S.C. 2687 note).”.

17 (b) CLOSURE OF EXISTING CURRENT ACCOUNTS;
18 TRANSFER OF FUNDS.—

19 (1) CLOSURE.—Subject to paragraph (2), the
20 Secretary of the Treasury shall close, pursuant to
21 section 1555 of title 31, United States Code, the fol-
22 lowing accounts on the books of the Treasury:

23 (A) The Department of Defense Base Clo-
24 sure Account 2005 established by section
25 2906A of the Defense Base Closure and Re-

1 alignment Act of 1990 (part A of title XXIX of
2 Public Law 101–510; 10 U.S.C. 2687 note), as
3 in effect on the effective date of this section.

4 (B) The Department of Defense Base Clo-
5 sure Account 1990 established by section 2906
6 of the Defense Base Closure and Realignment
7 Act of 1990 (part A of title XXIX of Public
8 Law 101–510; 10 U.S.C. 2687 note), as in ef-
9 fect on the effective date of this section.

10 (C) The Department of Defense Base Clo-
11 sure Account established by section 207 of the
12 Defense Authorization Amendments and Base
13 Closure and Realignment Act (Public Law 100–
14 526; 10 U.S.C. 2687 note), as in effect on the
15 effective date of this section.

16 (2) TRANSFER OF FUNDS.—All amounts re-
17 maining in the three accounts specified in paragraph
18 (1) as of the effective date of this section, shall be
19 transferred, effective on that date, to the Depart-
20 ment of Defense Base Closure Account established
21 by section 2906 of the Defense Base Closure and
22 Realignment Act of 1990, as added by subsection
23 (a).

24 (3) CROSS REFERENCES.—Except as provided
25 in this subsection or the context requires otherwise,

1 any reference in a law, regulation, document, paper,
2 or other record of the United States to an account
3 specified in paragraph (1) shall be deemed to be a
4 reference to the Department of Defense Base Clo-
5 sure Account established by section 2906 of the De-
6 fense Base Closure and Realignment Act of 1990, as
7 added by subsection (a).

8 (c) CONFORMING AMENDMENTS.—

9 (1) REPEAL OF FORMER ACCOUNT.—Section
10 207 of the Defense Authorization Amendments and
11 Base Closure and Realignment Act (Public Law
12 100–526; 10 U.S.C. 2687 note) is repealed.

13 (2) DEFINITION.—

14 (A) 1990 LAW.—Section 2910(1) of the
15 Defense Base Closure and Realignment Act of
16 1990 (part A of title XXIX of Public Law 101–
17 510; 10 U.S.C. 2687 note) is amended by strik-
18 ing “1990 established by section 2906(a)(1)”
19 and inserting “established by section 2906(a)”.

20 (B) 1988 LAW.—The Defense Authoriza-
21 tion Amendments and Base Closure and Re-
22 alignment Act (Public Law 100–526; 10 U.S.C.
23 2687 note) is amended—

24 (i) in section 204(b)(7)(A), by striking
25 “established by section 207(a)(1)”; and

1 (ii) in section 209(1), by striking “es-
2 tablished by section 207(a)(1)” and insert-
3 ing “established by section 2906(a) of the
4 Defense Base Closure and Realignment
5 Act of 1990 (part A of title XXIX of Pub-
6 lic Law 101–510; 10 U.S.C. 2687 note)”.

7 (3) ENVIRONMENTAL RESTORATION.—Chapter
8 160 of title 10, United States Code, is amended—

9 (A) in section 2701(d)(2), by striking “De-
10 partment of Defense Base Closure Account
11 1990 or the Department of Defense Base Clo-
12 sure Account 2005 established under sections
13 2906 and 2906A” and inserting “Department
14 of Defense Base Closure Account established by
15 section 2906”;

16 (B) in section 2703(h)—

17 (i) by striking “the applicable Depart-
18 ment of Defense base closure account” and
19 inserting “the Department of Defense
20 Base Closure Account established under
21 section 2906 of the Defense Base Closure
22 and Realignment Act of 1990 (part A of
23 title XXIX of Public Law 101–510; 10
24 U.S.C. 2687 note)”; and

1 (ii) by striking “the applicable base
2 closure account” and inserting “such base
3 closure account”; and

4 (C) in section 2905(g)(2), by striking
5 “Closure Account 1990” and inserting “Closure
6 Account”.

7 (4) DEPARTMENT OF DEFENSE HOUSING
8 FUNDS.—Section 2883 of such title is amended—

9 (A) in subsection (c)—

10 (i) by striking subparagraph (G) of
11 paragraph (1); and

12 (ii) by striking subparagraph (G) of
13 paragraph (2); and

14 (B) in subsection (f)—

15 (i) in the first sentence, by striking
16 “or (G)” both places it appears; and

17 (ii) by striking the second sentence.

18 (d) EFFECTIVE DATE.—This section and the amend-
19 ments made by this section shall take effect on the later
20 of—

21 (1) October 1, 2013; and

22 (2) the date of the enactment of an Act author-
23 izing funds for military construction for fiscal year
24 2014.

1 **SEC. 2712. AIR ARMAMENT CENTER, EGLIN AIR FORCE**
2 **BASE.**

3 The Secretary of the Air Force shall retain an Air
4 Armament Center at Eglin Air Force Base, Florida, in
5 name and function, with the same integrated mission ele-
6 ments, responsibilities, and capabilities as existed upon the
7 completion of implementation of the recommendations of
8 the 2005 Base Closure and Realignment Commission re-
9 garding such military installation contained in the report
10 transmitted by the President to Congress in accordance
11 with section 2914(e) of the Defense Base Closure and Re-
12 alignment Act of 1990 (part A of title XXIX of Public
13 Law 101–510; 10 U.S.C. 2687 note), until such time as
14 such integrated mission elements, responsibilities, and ca-
15 pabilities are modified pursuant to section 2687 of title
16 10, United States Code, or a subsequent law providing for
17 the closure or realignment of military installations in the
18 United States.

19 **SEC. 2713. PROHIBITION ON CONDUCTING ADDITIONAL**
20 **BASE REALIGNMENT AND CLOSURE (BRAC)**
21 **ROUND.**

22 Nothing in this Act shall be construed to authorize
23 an additional Base Realignment and Closure (BRAC)
24 round, and none of the funds appropriated pursuant to
25 the authorization of appropriations contained in this Act

1 may be used to propose, plan for, or execute an additional
2 BRAC round.

3 **SEC. 2714. CONSIDERATION OF UNITED STATES MILITARY**
4 **BASES LOCATED OVERSEAS IN CRITERIA**
5 **USED TO CONSIDER AND RECOMMEND MILI-**
6 **TARY INSTALLATIONS FOR CLOSURE OR RE-**
7 **ALIGNMENT.**

8 Section 2687(b)(1)(B) of title 10, United States
9 Code, is amended—

10 (1) by striking “and” at the end of clause (i);

11 and

12 (2) by adding at the end the following new
13 clause:

14 “(iii) the anticipated continuing need for
15 and availability of military bases outside the
16 United States, taking into account current re-
17 strictions on the use of military bases outside
18 the United States and the potential for future
19 prohibitions or restrictions on the use of such
20 bases; and”.

1 **TITLE XXVIII—MILITARY CON-**
2 **STRUCTION GENERAL PROVI-**
3 **SIONS**

4 **Subtitle A—Military Construction**
5 **Program and Military Family**
6 **Housing Changes**

7 **SEC. 2801. PREPARATION OF MILITARY INSTALLATION**
8 **MASTER PLANS.**

9 (a) MILITARY INSTALLATION MASTER PLANS.—Sub-
10 chapter III of chapter 169 of title 10, United States Code,
11 is amended by inserting after section 2863 the following
12 new section:

13 **“§ 2864. Military installation master plans**

14 “(a) PLANS REQUIRED.—At a time interval pre-
15 scribed by the Secretary concerned (but not less frequently
16 than once every 10 years), the commander of each military
17 installation under the jurisdiction of the Secretary shall
18 ensure an installation master plan is developed to address
19 environmental planning, sustainable design and develop-
20 ment, sustainable range planning, real property master
21 planning, and transportation planning.

22 “(b) TRANSPORTATION COMPONENT.—

23 “(1) COOPERATION WITH METROPOLITAN
24 PLANNING ORGANIZATIONS.—The transportation
25 component of an installation master plan shall be

1 developed and updated in cooperation with the met-
2 ropolitan planning organization designated for the
3 metropolitan planning area in which the military in-
4 stallation is located.

5 “(2) DEFINITIONS.—In this subsection, the
6 terms ‘metropolitan planning area’ and ‘metropoli-
7 tan planning organization’ have the meanings given
8 those terms in section 134(b) of title 23 and section
9 5303(b) of title 49.

10 “(3) TRANSIT SERVICES.—The installation
11 master plan for a military installation shall also ad-
12 dress operating costs for transit service and travel
13 demand measures on the installation.”.

14 **SEC. 2802. SUSTAINMENT OVERSIGHT AND ACCOUNT-**
15 **ABILITY FOR MILITARY HOUSING PRIVATIZA-**
16 **TION PROJECTS AND RELATED ANNUAL RE-**
17 **PORTING REQUIREMENTS.**

18 (a) SUSTAINMENT OVERSIGHT AND ACCOUNT-
19 ABILITY FOR PRIVATIZATION PROJECTS.—

20 (1) OVERSIGHT AND ACCOUNTABILITY MEAS-
21 URES.—Subchapter IV of chapter 169 of title 10,
22 United States Code, is amended by inserting after
23 section 2885 the following new section:

1 **“§ 2885a. Oversight and accountability for privatiza-**
2 **tion projects: sustainment**

3 “(a) OVERSIGHT AND ACCOUNTABILITY MEAS-
4 URES.—Each Secretary concerned shall prescribe regula-
5 tions to effectively oversee and manage a military housing
6 privatization project carried out under this subchapter
7 during the sustainment phase of the project following com-
8 pletion of the construction or renovation of the housing
9 units. The regulations shall include the following require-
10 ments for each privatization project:

11 “(1) The financial health and performance of
12 the military housing privatization project, including
13 the debt-coverage ratio of the project and occupancy
14 rates for the constructed or renovated housing units.

15 “(2) A resident satisfaction assessment of the
16 privatization project.

17 “(3) An assessment of the backlog of mainte-
18 nance and repair.

19 “(b) REQUIRED QUALIFICATIONS.—The Secretary
20 concerned or designated representative shall ensure that
21 the project owner, developer, or general contractor that
22 is selected for each military housing privatization initiative
23 project has sustainment experience commensurate with
24 that required to maintain the project.”.

25 (2) CONFORMING AMENDMENT.—Section
26 2885(a) of such title is amended in the matter pre-

1 ceding paragraph (1) by inserting before the period
2 at the end of the first sentence the following: “dur-
3 ing the course of the construction or renovation of
4 the housing units”.

5 (3) CLERICAL AMENDMENTS.—

6 (A) SECTION HEADING.—The heading of
7 section 2885 of such title is amended to read as
8 follows:

9 **“§ 2885. Oversight and accountability for privatiza-**
10 **tion projects: construction”.**

11 (B) TABLE OF SECTIONS.—The table of
12 sections at the beginning of subchapter IV of
13 chapter 169 of such title is amended by striking
14 the item relating to section 2885 and inserting
15 the following new items:

“2885. Oversight and accountability for privatization projects: construction.

“2885a. Oversight and accountability for privatization projects: sustainment.”.

16 (b) ANNUAL REPORTING REQUIREMENTS.—Section
17 2884(b) of such title is amended—

18 (1) by striking paragraphs (2), (3), (4), and
19 (7);

20 (2) by redesignating paragraphs (5), (6), and
21 (8) as paragraphs (2), (3), and (4), respectively; and

22 (3) by adding at the end the following new
23 paragraphs:

1 “(5) A trend analysis of the backlog of mainte-
2 nance and repair for each privatization project, in-
3 cluding the total cost of the operation, maintenance,
4 and repair costs associated with each project.

5 “(6) If the debt associated with a privatization
6 project exceeds net operating income or the occu-
7 pancy rates for the constructed or renovated housing
8 units are below 75 percent for any sustained period
9 of more than one year, a report regarding the plan
10 to mitigate the financial risk of the project.”.

11 **SEC. 2803. ONE-YEAR EXTENSION OF AUTHORITY TO USE**
12 **OPERATION AND MAINTENANCE FUNDS FOR**
13 **CONSTRUCTION PROJECTS OUTSIDE THE**
14 **UNITED STATES.**

15 Subsection (h) of section 2808 of the Military Con-
16 struction Authorization Act for Fiscal Year 2004 (division
17 B of Public Law 108–136; 117 Stat. 1723), as most re-
18 cently amended by section 2804(a)(2) of the Military Con-
19 struction Authorization Act for Fiscal Year 2012 (division
20 B of Public Law 112–81; 125 Stat. 1685), is amended—

21 (1) in paragraph (1), by striking “September
22 30, 2012” and inserting “September 30, 2013”; and

23 (2) in paragraph (2), by striking “fiscal year
24 2013” and inserting “fiscal year 2014”.

1 **SEC. 2804. TREATMENT OF CERTAIN DEFENSE NUCLEAR**
2 **FACILITY CONSTRUCTION PROJECTS AS**
3 **MILITARY CONSTRUCTION PROJECTS.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) According to a memorandum of agreement
6 between the Secretary of Defense and the Secretary
7 of Energy dated May 2010 and a subsequent adden-
8 dum to such memorandum, the Secretary of Defense
9 plans to transfer \$8,300,000,000 of the budgetary
10 authority of the Department of Defense to the Ad-
11 ministrator for Nuclear Security of the National Nu-
12 clear Security Administration between fiscal years
13 2011 and 2016 to fund activities of the Administra-
14 tion that the Secretary determines to be high prior-
15 ities.

16 (2) Such funding has directly supported defense
17 activities at the National Nuclear Security Adminis-
18 tration, including design and construction activities
19 for the Chemistry and Metallurgy Research Building
20 Replacement project and the Uranium Processing
21 Facility project specified in paragraphs (2) and (3)
22 of subsection (b).

23 (b) COVERED FACILITIES.—This section applies to
24 the following construction projects of the National Nuclear
25 Security Administration:

1 (1) Any project to build a nuclear facility, initi-
2 ated on or after October 1, 2013, that is estimated
3 to cost in excess of \$1,000,000,000 and is intended
4 to be primarily utilized to support the nuclear weap-
5 ons activities of the National Nuclear Security Ad-
6 ministration.

7 (2) The Chemistry and Metallurgy Research
8 Building Replacement project, Los Alamos, New
9 Mexico.

10 (3) The Uranium Processing Facility project,
11 Oak Ridge, Tennessee.

12 (c) TREATMENT AS MILITARY CONSTRUCTION
13 PROJECTS.—In the case of the construction projects of the
14 National Nuclear Security Administration specified in
15 subsection (b), the projects are deemed to be military con-
16 struction projects to be carried out with respect to a mili-
17 tary installation and therefore subject to the following:

18 (1) The advance-project authorization require-
19 ment of section 2802(a) of title 10, United States
20 Code, and other requirements of chapter 169 of such
21 title related to military construction projects carried
22 out by the Secretary of Defense with respect to the
23 Defense Agencies.

1 (2) Annual Acts authorizing military construc-
 2 tion projects (and authorizing the appropriation of
 3 funds therefor) for a fiscal year.

4 (d) MILITARY CONSTRUCTION AUTHORIZATION FOR
 5 CERTAIN DEFENSE NUCLEAR FACILITY PROJECTS.—The
 6 Secretary of Defense may acquire real property and carry
 7 out military construction projects for the installations or
 8 locations, and in the amounts, set forth in the following
 9 table:

Defense Nuclear Facility Projects

State	Installation or Location	Amount
New Mexico	Los Alamos	\$3,500,000,000
Tennessee	Oak Ridge	\$4,200,000,000

10 (e) REGULATION, REQUIREMENTS, AND COORDINA-
 11 TION.—For each project specified in subsection (b)—

12 (1) the Administrator for Nuclear Security of
 13 the National Nuclear Security Administration and
 14 the Secretary of Energy shall retain authority to
 15 regulate design and construction activities pursuant
 16 to the Atomic Energy Act and other applicable laws;

17 (2) the Secretary of Defense shall coordinate
 18 with the Administrator for Nuclear Security regard-
 19 ing requirements for the facility; and

20 (3) the Administrator for Nuclear Security shall
 21 make available to the Secretary of Defense the ex-

1 pertise of the National Nuclear Security Administra-
2 tion to support design and construction activities.

3 (f) TRANSFER OF FACILITIES.—Upon completion of
4 construction of a project specified in subsection (b), the
5 Secretary of Defense shall negotiate with the Adminis-
6 trator for Nuclear Security of the National Nuclear Secu-
7 rity Administration to transfer the constructed facility to
8 the authority of the Administrator for operations.

9 (g) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that during fiscal year 2014 and thereafter, the
11 budgetary authority provided by the Secretary of Defense
12 to the Administrator for Nuclear Security of the National
13 Nuclear Security Administration under the memorandum
14 described in subsection (a)(1) should be reduced by the
15 amount needed to fund the design and construction of the
16 projects specified in paragraphs (2) and (3) of subsection
17 (b).

18 (h) INFORMATION TRANSFER AND LEGAL EFFECT
19 OF TRANSFER.—Not later than September 30, 2013, the
20 Administrator for Nuclear Security of the National Nu-
21 clear Security Administration shall transfer to the Sec-
22 retary of Defense all information in the possession of the
23 Administrator related to architectural and engineering
24 services and construction design for the construction
25 projects specified in subsection (b). All environmental im-

1 pact statements and legal rulings in effect before that date
2 related to the projects shall be considered valid upon
3 transfer of responsibility for the projects to the Secretary
4 of Defense under subsection (c).

5 (i) EFFECTIVE DATE.—This section shall apply to
6 the construction projects specified in subsection (b) effec-
7 tive for fiscal year 2014 and fiscal years thereafter.

8 **SEC. 2805. EXECUTION OF CHEMISTRY AND METALLURGY**
9 **RESEARCH BUILDING REPLACEMENT NU-**
10 **CLEAR FACILITY AND LIMITATION ON ALTER-**
11 **NATIVE PLUTONIUM STRATEGY.**

12 (a) POLICY.—It is the policy of the United States to
13 create and sustain the capability to produce plutonium
14 pits for nuclear weapons, and to ensure sufficient pluto-
15 nium pit production capacity, to respond to technical chal-
16 lenges in the existing nuclear weapons stockpile or geo-
17 political developments.

18 (b) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that—

20 (1) successful and timely construction of the
21 Chemistry and Metallurgy Research Building Re-
22 placement nuclear facility in Los Alamos, New Mex-
23 ico, is critical to achieving the policy expressed in
24 subsection (a) and that such facility should achieve
25 full operational capability by fiscal year 2024;

1 (2) prior-year funds for the Chemistry and Met-
2 allurgy Research Building Replacement nuclear fa-
3 cility, up to \$160,000,000 being available, should be
4 applied to continue design and construction of this
5 facility in fiscal year 2013; and

6 (3) during fiscal year 2014 and thereafter, the
7 budgetary authority provided by the Secretary of
8 Defense to the Administrator for Nuclear Security
9 of the National Nuclear Security Administration
10 under the memorandum of agreement between the
11 Secretary of Defense and the Secretary of Energy
12 dated May 2010 should be reduced by the amount
13 needed to fund the design and construction of the
14 Chemistry and Metallurgy Research Building Re-
15 placement nuclear facility under the military con-
16 struction authorities provided in section 2804.

17 (c) FUTURE BUDGET REQUESTS.—The Secretary of
18 Defense, in coordination with the Administrator for Nu-
19 clear Security of the National Nuclear Security Adminis-
20 tration, shall request such funds in fiscal year 2014 and
21 subsequent fiscal years under the military construction au-
22 thorities of section 2804 to ensure the Chemistry and Met-
23 allurgy Research Building Replacement nuclear facility
24 achieves full operational capability by fiscal year 2024.

1 (d) LIMITATION ON ALTERNATIVE PLUTONIUM
2 STRATEGY.—No funds authorized to be appropriated by
3 this Act or any other Act may be obligated or expended
4 on any activities associated with a plutonium strategy for
5 the National Nuclear Security Administration that does
6 not include achieving full operational capability of the
7 Chemistry and Metallurgy Research Building Replace-
8 ment nuclear facility by fiscal year 2024.

9 **SEC. 2806. USE OF PROJECT LABOR AGREEMENTS IN MILI-**
10 **TARY CONSTRUCTION PROJECTS AND MILI-**
11 **TARY FAMILY HOUSING PROJECTS.**

12 (a) REQUIREMENTS.—Section 2852 of title 10,
13 United States Code, is amended by adding at the end the
14 following new subsection:

15 “(d)(1) The Secretary of Defense and the Secretaries
16 of the military departments, when awarding a construction
17 contract on behalf of the Government, in any solicitations,
18 bid specifications, project agreements, or other controlling
19 documents, shall not—

20 “(A) require or prohibit bidders, offerors, con-
21 tractors, or subcontractors to enter into or adhere to
22 agreements with one or more labor organizations;
23 and

24 “(B) discriminate against or give preference to
25 bidders, offerors, contractors, or subcontractors

1 based on their entering or refusing to enter into
2 such an agreement.

3 “(2) Nothing in this subsection shall prohibit a con-
4 tractor or subcontractor from voluntarily entering into an
5 agreement with one or more labor organizations, as pro-
6 tected by the National Labor Relations Act (29 U.S.C.
7 151 et seq.).”.

8 (b) APPLICATION OF AMENDMENT.—The amendment
9 made by subsection (a) shall not apply to construction con-
10 tracts awarded before the date of the enactment of this
11 Act.

12 **Subtitle B—Real Property and** 13 **Facilities Administration**

14 **SEC. 2811. AUTHORITY OF MILITARY MUSEUMS TO ACCEPT** 15 **GIFTS AND SERVICES AND TO ENTER INTO** 16 **LEASES AND COOPERATIVE AGREEMENTS.**

17 (a) MUSEUM SUPPORT AUTHORITY.—Chapter 155 of
18 title 10, United States Code, is amended by inserting after
19 section 2608 the following new section:

20 **“§ 2609. Military museum programs: acceptance of** 21 **gifts and other support**

22 “(a) ACCEPTANCE OF SERVICES.—Notwithstanding
23 section 1342 of title 31, the Secretary concerned may ac-
24 cept services from a nonprofit entity to support a military
25 museum program under the jurisdiction of the Secretary.

1 “(b) LIMITATION ON USE OF GIFT FUNDS.—A gift
2 made for the purpose of assisting in the development, op-
3 eration, maintenance, or management of, or for the acqui-
4 sition of collections for, a military museum program and
5 deposited into one of the general gift funds specified in
6 section 2601(c) of this title shall be available only for the
7 military museum program and the purpose for which the
8 gift was made.

9 “(c) SOLICITATION OF GIFTS.—Under regulations
10 prescribed under this section, the Secretary concerned
11 may solicit from any person or public or private entity,
12 for the use and benefit of a military museum program,
13 a gift of books, manuscripts, works of art, historical arti-
14 facts, drawings, plans, models, condemned or obsolete
15 combat materiel, or other personal property.

16 “(d) LEASING AUTHORITY.—(1) In accordance with
17 section 2667 of this title, the Secretary concerned may
18 lease real and personal property of a military museum pro-
19 gram to a nonprofit entity for purposes related to the mili-
20 tary museum program.

21 “(2) A lease under this subsection may not include
22 any part of the collection of a military museum program.

23 “(e) COOPERATIVE AGREEMENTS.—The Secretary
24 concerned may enter into a cooperative agreement with

1 a nonprofit entity for purposes related to support of a mili-
2 tary museum program.

3 “(f) EMPLOYEE STATUS.—For purposes of this sec-
4 tion, employees or personnel of a nonprofit entity may not
5 be considered to be employees of the United States.

6 “(g) REGULATIONS.—(1) The Secretary of Defense
7 shall prescribe regulations to implement this section. The
8 regulations shall apply uniformly throughout the Depart-
9 ment of Defense.

10 “(2) The regulations shall provide that solicitation of
11 a gift, acceptance of a gift (including a gift of services),
12 or use of a gift under this section may not occur if the
13 nature or circumstances of the solicitation, acceptance, or
14 use would compromise the integrity or the appearance of
15 integrity of any program of the Department of Defense
16 or any individual involved in such program.

17 “(h) DEFINITIONS.—In this section:

18 “(1) The term ‘military museum program’ may
19 include an individual museum.

20 “(2) The term ‘nonprofit entity’ means an ex-
21 empt organization under section 501(c)(3) of the In-
22 ternal Revenue Code of 1986 whose primary purpose
23 is supporting a military museum program.

1 “(3) The term ‘Secretary concerned’ includes
2 the Secretary of Defense with respect to matters
3 concerning the Defense Agencies.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 at the beginning of such chapter is amended by inserting
6 after the item relating to section 2608 the following new
7 item:

 “2609. Military museum programs: acceptance of gifts and other support.”.

8 **SEC. 2812. CLARIFICATION OF PARTIES WITH WHOM DE-**
9 **PARTMENT OF DEFENSE MAY CONDUCT EX-**
10 **CHANGES OF REAL PROPERTY AT CERTAIN**
11 **MILITARY INSTALLATIONS.**

12 Section 2869(a)(1) of title 10, United States Code,
13 is amended—

14 (1) by striking “any eligible entity” and insert-
15 ing “any person”;

16 (2) by striking “the entity” and inserting “the
17 person”; and

18 (3) by striking “their control” and inserting
19 “the person’s control”.

20 **SEC. 2813. INDEMNIFICATION OF TRANSFEREES OF PROP-**
21 **ERTY AT ANY CLOSED MILITARY INSTALLA-**
22 **TION.**

23 Section 330 of the National Defense Authorization
24 Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C.
25 2687 note) is amended—

1 (1) in subsection (a)(1), by striking “pursuant
2 to a base closure law” and inserting “after October
3 24, 1988, the date of the enactment of the Defense
4 Authorization Amendments and Base Closure and
5 Realignment Act (Public Law 100–526; 10 U.S.C.
6 2687 note)”; and

7 (2) in subsection (f), by striking paragraph (3).

8 **SEC. 2814. IDENTIFICATION REQUIREMENT FOR ENTRY ON**
9 **MILITARY INSTALLATIONS.**

10 (a) IDENTIFICATION REQUIREMENT FOR MILITARY
11 INSTALLATIONS.—

12 (1) MINIMUM IDENTIFICATION REQUIRED.—

13 (A) IN GENERAL.—Beginning on the day
14 that is 120 days after the date of the enact-
15 ment of this Act, the Secretary concerned may
16 not permit a person who is 18 years old or
17 older to enter a military installation in the
18 United States unless such person presents, as
19 determined by an authentication procedure that
20 meets the minimum procedural requirements
21 identified by the Secretary of Defense in para-
22 graph (4), at a minimum—

23 (i) a valid Federal or State govern-
24 ment issued photo identification card;

25 (ii) a valid Common Access Card; or

1 (iii) a valid uniformed services identi-
2 fication card.

3 (B) EXCEPTION FOR CERTAIN FOREIGN
4 PASSPORTS.—The Secretary concerned may
5 permit a person to enter a military installation
6 in the United States if such person presents a
7 valid foreign passport, as determined by an au-
8 thentication procedure that meets the minimum
9 procedural requirements identified by the Sec-
10 retary of Defense in paragraph (4), if—

11 (i) such person is visiting such mili-
12 tary installation on official business be-
13 tween the Armed Forces and the armed
14 forces of a foreign country; or

15 (ii) such person is visiting a member
16 of the uniformed services or a civilian em-
17 ployee of the Department of Defense on
18 such military installation.

19 (2) EXPIRED OR FRAUDULENT IDENTIFICA-
20 TION.—The Secretary concerned shall confiscate any
21 form of identification that the Secretary determines,
22 using an authentication procedure that meets the
23 minimum procedural requirements identified by the
24 Secretary of Defense in paragraph (4), to be expired
25 or fraudulent.

1 (3) COORDINATION AMONG MILITARY INSTAL-
2 LATIONS OF A STATE.—The Secretary concerned
3 shall keep a list and shall inform the personnel at
4 any other military installation in the State of such
5 military installation of the name of any person—

6 (A) who attempts to help a person required
7 to present a valid form of identification under
8 paragraph (1) to enter a military installation in
9 the United States without such required identi-
10 fication; or

11 (B) who attempts to enter a military in-
12 stallation military installation in the United
13 States with a form of identification that the
14 Secretary concerned determines to be expired or
15 fraudulent under paragraph (2).

16 (4) PROCEDURAL REQUIREMENTS FOR IDENTI-
17 FICATION VERIFICATION.—Not later than 90 days
18 after the date of the enactment of this Act, the Sec-
19 retary of Defense shall identify the minimum proce-
20 dural requirements for the Secretary concerned to
21 authenticate the forms of identification in paragraph
22 (1) for a person entering a military installation in
23 the United States. In identifying such requirements,
24 the Secretary of Defense shall identify minimum
25 procedural requirements to ensure that individuals

1 who need to enter a military installation in the
2 United States to perform work under a contract
3 awarded by the Department of Defense present a
4 valid form of identification under paragraph (1).

5 (b) DEFINITIONS.—

6 (1) COMMON ACCESS CARD.—In this section,
7 the term “Common Access Card” means the stand-
8 ard identification card issued by the Secretary of
9 Defense to active-duty military personnel, Selected
10 Reserve personnel, Department of Defense civilian
11 employees, and certain persons awarded contracts by
12 the Secretary of Defense.

13 (2) SECRETARY CONCERNED.—In this section,
14 the term “Secretary concerned” has the meaning
15 given the term in section 101(a) of title 10, United
16 States Code.

17 (3) UNIFORMED SERVICES IDENTIFICATION
18 CARD.—In this section, the term “uniformed services
19 identification card” means the identification card
20 issued by the Secretary of Defense to spouses and
21 other eligible dependents of members of the uni-
22 formed services and other eligible persons, as deter-
23 mined by the Secretary of Defense.

1 **SEC. 2815. PLAN TO PROTECT CRITICAL DEPARTMENT OF**
2 **DEFENSE CRITICAL ASSETS FROM ELECTRO-**
3 **MAGNETIC PULSE WEAPONS.**

4 (a) PLAN REQUIRED.—Not later than September 1,
5 2013, the Secretary of the Defense shall submit to the
6 congressional defense committees a plan to protect defense
7 critical assets under the jurisdiction of the Department
8 of Defense, and critical equipment at military installa-
9 tions, from the adverse effects of electromagnetic pulse
10 and high-powered microwave weapons.

11 (b) PREPARATION AND ELEMENTS OF PLAN.—In
12 preparing the plan required by subsection (a), the Sec-
13 retary of Defense shall utilize the guidance and rec-
14 ommendations of the Commission to Assess the Threat to
15 the United States from Electromagnetic Pulse Attack es-
16 tablished by section 1401 of the Floyd D. Spence National
17 Defense Authorization Act for Fiscal Year 2001 (as en-
18 acted into law by Public Law 106–398; 114. Stat. 1654A–
19 345). The plan shall include the following elements:

20 (1) An assessment of overall military installa-
21 tion protection from electromagnetic pulse and high-
22 powered microwave weapons.

23 (2) A listing of defense critical assets.

24 (3) An assessment of the adequacy of each de-
25 fense critical asset, to include the backup power ca-
26 pabilities of the defense critical asset, to withstand

1 attack currently and a description and a cost esti-
2 mate for each project to improve, repair, renovate,
3 or modernize defense critical assets for which any
4 deficiency is identified in the assessment.

5 (4) A list of projects, costs, and timelines
6 through the future-years defense program to meet
7 the requirements to overcome deficiencies identified
8 under paragraph (3) for all defense critical assets.

9 (5) A list of civilian critical infrastructures
10 upon which a defense critical asset depends (elec-
11 tricity, water, telecommunications, etc) that, if ren-
12 dered inoperable by electromagnetic pulse or high-
13 powered microwave weapons, would compromise the
14 function of a defense critical asset.

15 (c) FORM OF SUBMISSION.—The plan required by
16 subsection (a) shall be submitted in unclassified form, but
17 may include a classified annex.

18 (d) DEFENSE CRITICAL ASSET.—In this section, the
19 term “defense critical asset” means an asset of such ex-
20 traordinary importance to operations in peace, crisis, and
21 war that its incapacitation or destruction would have a
22 very serious debilitating effect on the ability of the Depart-
23 ment of Defense to fulfill its missions.

1 **Subtitle C—Energy Security**

2 **SEC. 2821. CONGRESSIONAL NOTIFICATION FOR CON-**
3 **TRACTS FOR THE PROVISION AND OPER-**
4 **ATION OF ENERGY PRODUCTION FACILITIES**
5 **AUTHORIZED TO BE LOCATED ON REAL**
6 **PROPERTY UNDER THE JURISDICTION OF A**
7 **MILITARY DEPARTMENT.**

8 Section 2662(a)(1) of title 10, United States Code,
9 is amended by adding at the end the following new sub-
10 paragraph:

11 “(H) Any transaction or contract action for the
12 provision and operation of energy production facili-
13 ties on real property under the jurisdiction of the
14 Secretary of a military department, as authorized by
15 section 2922a(a)(2) of this title, if the term of the
16 transaction or contract exceeds 20 years.”.

17 **SEC. 2822. CONTINUATION OF LIMITATION ON USE OF**
18 **FUNDS FOR LEADERSHIP IN ENERGY AND EN-**
19 **VIRONMENTAL DESIGN (LEED) GOLD OR**
20 **PLATINUM CERTIFICATION AND EXPANSION**
21 **TO INCLUDE IMPLEMENTATION OF ASHRAE**
22 **BUILDING STANDARD 189.1.**

23 Section 2830(b) of the Military Construction Author-
24 ization Act for Fiscal Year 2012 (division B of Public Law
25 112–81; 125 Stat. 1695) is amended—

1 (1) in the subsection heading, by inserting after
2 “AND ASHRAE IMPLEMENTATION” after “CERTIFI-
3 CATION”; and

4 (2) in paragraph (1)—

5 (A) by striking “authorized to be”;

6 (B) by striking “by this Act”;

7 (C) by inserting “or 2013” after “fiscal
8 year 2012”; and

9 (D) by inserting before the period at the
10 end the following: “and implementing ASHRAE
11 building standard 189.1”.

12 **SEC. 2823. AVAILABILITY AND USE OF DEPARTMENT OF DE-**
13 **FENSE ENERGY COST SAVINGS TO PROMOTE**
14 **ENERGY SECURITY.**

15 Section 2912(b)(1) of title 10, United States Code,
16 is amended by inserting after “additional energy conserva-
17 tion” the following: “and energy security”.

18 **SEC. 2824. DEFINITION OF RENEWABLE ENERGY SOURCE**
19 **FOR DEPARTMENT OF DEFENSE ENERGY SE-**
20 **CURITY.**

21 Section 2924(7)(A) of title 10, United States Code,
22 is amended by inserting before the period at the end the
23 following: “and direct solar renewable energy”.

1 **Subtitle D—Provisions Related to**
2 **Guam Realignment**

3 **SEC. 2831. USE OF OPERATION AND MAINTENANCE FUND-**
4 **ING TO SUPPORT COMMUNITY ADJUSTMENTS**
5 **RELATED TO REALIGNMENT OF MILITARY IN-**
6 **STALLATIONS AND RELOCATION OF MILI-**
7 **TARY PERSONNEL ON GUAM.**

8 (a) TEMPORARY ASSISTANCE AUTHORIZED.—

9 (1) ASSISTANCE TO GOVERNMENT OF GUAM.—

10 Using funds made available under subsection (c), the
11 Secretary of Defense may assist the Government of
12 Guam in meeting the costs of providing increased
13 municipal services and facilities required as a result
14 of the realignment of military installations and the
15 relocation of military personnel on Guam (in this
16 section referred to as the “Guam realignment”) if
17 the Secretary determines that an unfair and exces-
18 sive financial burden will be incurred by the Govern-
19 ment of Guam to provide the services and facilities
20 in the absence of the Department of Defense assist-
21 ance.

22 (2) MITIGATION OF IDENTIFIED IMPACTS.—The

23 Secretary of Defense may take such actions as the
24 Secretary considers to be appropriate to mitigate the
25 significant impacts identified in the Record of Deci-

1 sion of the “Guam and CNMI Military Relocation
2 Environmental Impact Statement” by providing in-
3 creased municipal services and facilities to activities
4 that directly support the Guam realignment.

5 (b) METHODS OF PROVIDING ASSISTANCE.—

6 (1) USE OF EXISTING PROGRAMS.—The Sec-
7 retary of Defense shall carry out subsection (a)
8 through existing Federal programs supporting the
9 Government of Guam and the Guam realignment,
10 whether or not the programs are administered by
11 the Department of Defense or another Federal agen-
12 cy.

13 (2) COST SHARE ASSISTANCE.—The Secretary
14 may assist the Government of Guam to any cost-
15 sharing obligation imposed on the Government of
16 Guam under any Federal program utilized by the
17 Secretary under paragraph (1).

18 (c) SOURCE OF FUNDS.—

19 (1) TRANSFER AUTHORITY.—To the extent nec-
20 essary to carry out subsection (a), the Secretary is
21 authorized to transfer funds made available in fiscal
22 year 2013 to the Department of Defense or a mili-
23 tary department for operation and maintenance to a
24 different account of the Department of Defense or
25 another Federal agency in order to make funds

1 available to the Government of Guam under a Fed-
2 eral program utilized by the Secretary under sub-
3 section (b)(1). Amounts so transferred shall be
4 merged with the appropriation to which transferred
5 and shall be available only for the purpose of assist-
6 ing the Government of Guam as described in sub-
7 section (a).

8 (2) ADDITIONAL AUTHORITY.—The transfer au-
9 thority provided by paragraph (1) is in addition to
10 the transfer authority provided by section 1001.

11 (d) PROGRESS REPORTS REQUIRED.—The Secretary
12 of Defense shall submit to the Committees on Armed Serv-
13 ices of the Senate and the House of Representatives semi-
14 annual reports indicating the total amount expended
15 under the authority of this section during the preceding
16 six-month period, the specific projects for which assistance
17 was provided during such period, and the total amount
18 provided for each project during such period.

19 (e) TERMINATION.—The authority to provide assist-
20 ance under this section expires September 30, 2020.
21 Amounts obligated on or before that date may be expended
22 after that date.

1 **SEC. 2832. CERTIFICATION OF MILITARY READINESS NEED**
2 **FOR FIRING RANGE ON GUAM AS CONDITION**
3 **ON ESTABLISHMENT OF RANGE.**

4 A firing range on Guam may not be established (in-
5 cluding any construction or lease of lands related to such
6 establishment) until the Secretary of Defense certifies to
7 the congressional defense committees that there is a na-
8 tional security need for the firing range related to readi-
9 ness of the Armed Forces assigned to the United States
10 Pacific Command.

11 **SEC. 2833. REPEAL OF CONDITIONS ON USE OF FUNDS FOR**
12 **GUAM REALIGNMENT.**

13 Section 2207(a) of the Military Construction Author-
14 ization Act for Fiscal Year 2012 (division B of Public Law
15 112–81; 125 Stat. 1668) is amended—

16 (1) in paragraph (2), by inserting “and” after
17 the semicolon;

18 (2) by striking paragraphs (3) and (4); and

19 (3) by redesignating paragraph (5) as para-
20 graph (3).

21 **Subtitle E—Land Conveyances**

22 **SEC. 2841. MODIFICATION TO AUTHORIZED LAND CONVEY-**
23 **ANCE AND EXCHANGE, JOINT BASE ELMEN-**
24 **DORF RICHARDSON, ALASKA.**

25 (a) CHANGE IN OFFICER AUTHORIZED TO CARRY
26 OUT CONVEYANCES.—Subsection (a) of section 2851 of

1 the Military Construction Authorization Act for Fiscal
2 Year 2012 (division B of Public Law 112–81; 125 Stat.
3 1697) is amended—

4 (1) in paragraph (1), by striking “The Sec-
5 retary of the Air Force may, in consultation with the
6 Secretary of the Interior” and inserting “The Sec-
7 retary of the Interior may, in consultation with the
8 Secretary of the Air Force”; and

9 (2) in paragraph (2)—

10 (A) by striking “The Secretary of the Air
11 Force may, in consultation with the Secretary
12 of the Interior, upon terms mutually agreeable
13 to the Secretary of the Air Force” and inserting
14 “The Secretary of the Interior may, in con-
15 sultation with the Secretary of the Air Force,
16 upon terms mutually agreeable to the Secretary
17 of the Interior”; and

18 (B) by striking “in consultation with the
19 Secretary of the Interior” the second place it
20 appears and inserting “in consultation with the
21 Secretary of the Air Force”.

22 (b) CONFORMING AMENDMENTS.—Such section is
23 further amended—

24 (1) in subsection (a)(3), by inserting “of the In-
25 terior” after “Secretary”;

1 (2) in subsection (c)—

2 (A) in paragraph (1)—

3 (i) by striking “The Secretary of the
4 Air Force” and inserting “The Secretary
5 of the Interior”;

6 (ii) by striking “the Secretary” the
7 first place it appears and inserting “the
8 Secretary of the Interior and the Secretary
9 of the Air Force”; and

10 (iii) by striking “the Secretary” in
11 each other place it appears and inserting
12 “the Secretaries”; and

13 (B) in paragraph (2), by striking “the Sec-
14 retary” and inserting “the Secretaries”; and

15 (3) in subsections (e) and (f), by inserting “of
16 the Interior” after “Secretary”.

17 (c) TECHNICAL AMENDMENT.—Subsection (a)(1) of
18 such section is further amended by striking “JBER” and
19 inserting “Joint Base Elmendorf Richardson, Alaska (in
20 this section referred to as ‘JBER’),”.

1 **SEC. 2842. MODIFICATION OF FINANCING AUTHORITY,**
2 **BROADWAY COMPLEX OF THE DEPARTMENT**
3 **OF THE NAVY, SAN DIEGO, CALIFORNIA.**

4 Subsection (a) of section 2732 of the Military Con-
5 struction Authorization Act, 1987 (division B of Public
6 99-661; 100 Stat. 4046) is amended to read as follows:

7 “(a) IN GENERAL.—(1) Subject to subsections (b)
8 through (g), the Secretary of the Navy may enter into
9 long-term leases of real property located within the Broad-
10 way Complex of the Department of the Navy, San Diego,
11 California.

12 “(2) Subject to subsections (b) through (g), the Sec-
13 retary may assist any lessee of real property described in
14 paragraph (1) in financing the construction by the lessee
15 of any facility on such real property or otherwise within
16 the boundaries of the metropolitan San Diego, California,
17 area.”.

18 **SEC. 2843. LAND CONVEYANCE, JOHN KUNKEL ARMY RE-**
19 **SERVE CENTER, WARREN, OHIO.**

20 (a) CONVEYANCE AUTHORIZED.—The Secretary of
21 the Army may convey, without consideration, to the Vil-
22 lage of Lordstown, Ohio (in this section referred to as the
23 “Village”), all right, title, and interest of the United
24 States in and to a parcel of real property, including any
25 improvements thereon, consisting of approximately 6.95
26 acres and containing the John Kunkel Army Reserve Cen-

1 ter located at 4967 Tod Avenue in Warren, Ohio, for the
2 purpose of permitting the Village to use the parcel for
3 public purposes.

4 (b) INTERIM LEASE.—Until such time as the real
5 property described in subsection (a) is conveyed to the Vil-
6 lage, the Secretary may lease the property to the Village.

7 (c) PAYMENT OF COSTS OF CONVEYANCE.—

8 (1) PAYMENT REQUIRED.—The Secretary shall
9 require the Village to cover costs (except costs for
10 environmental remediation of the property) to be in-
11 curred by the Secretary, or to reimburse the Sec-
12 retary for such costs incurred by the Secretary, to
13 carry out the conveyance under subsection (a), in-
14 cluding survey costs, costs for environmental docu-
15 mentation, and any other administrative costs re-
16 lated to the conveyance. If amounts are collected
17 from the Village in advance of the Secretary incur-
18 ring the actual costs, and the amount collected ex-
19 ceeds the costs actually incurred by the Secretary to
20 carry out the conveyance, the Secretary shall refund
21 the excess amount to the Village.

22 (2) TREATMENT OF AMOUNTS RECEIVED.—
23 Amounts received as reimbursement under para-
24 graph (1) shall be credited to the fund or account
25 that was used to cover those costs incurred by the

1 Secretary in carrying out the conveyance. Amounts
2 so credited shall be merged with amounts in such
3 fund or account, and shall be available for the same
4 purposes, and subject to the same conditions and
5 limitations, as amounts in such fund or account.

6 (d) CONDITIONS OF CONVEYANCE.—The conveyance
7 of the real property under subsection (a) shall be subject
8 to the following conditions:

9 (1) That the Village not use any Federal funds
10 to cover any portion of the conveyance costs required
11 by subsection (c) to be paid by the Village or to
12 cover the costs for the design or construction of any
13 facility on the property.

14 (2) That the Village begin using the property
15 for public purposes before the end of the five-year
16 period beginning on the date of conveyance.

17 (e) DESCRIPTION OF PROPERTY.—The exact acreage
18 and legal description of the property to be conveyed under
19 subsection (a) shall be determined by a survey satisfactory
20 to the Secretary.

21 (f) ADDITIONAL TERMS.—The Secretary may require
22 such additional terms and conditions in connection with
23 the conveyance as the Secretary considers appropriate to
24 protect the interests of the United States.

1 **SEC. 2844. LAND CONVEYANCE, CASTNER RANGE, FORT**
2 **BLISS, TEXAS.**

3 (a) CONVEYANCE AUTHORIZED.—

4 (1) CONVEYANCE AUTHORITY.—The Secretary
5 of the Army may convey, without consideration, to
6 the Parks and Wildlife Department of the State of
7 Texas (in this section referred to as the “Depart-
8 ment”) all right, title, and interest of the United
9 States in and to a parcel of real property, including
10 any improvements thereon, consisting of approxi-
11 mately 7,081 acres at Fort Bliss, Texas, for the pur-
12 pose of permitting the Department to establish and
13 operate a park as an element of the Franklin Moun-
14 tains State Park.

15 (2) PIECEMEAL CONVEYANCES.—In anticipa-
16 tion of the conveyance of the entire parcel of real
17 property described in paragraph (1), the Secretary
18 may subdivide the parcel and convey to the Depart-
19 ment portions of the real property as the Secretary
20 determines that the condition of the real property is
21 compatible with the Department’s intended use of
22 the property.

23 (b) REVERSIONARY INTEREST.—If the Secretary de-
24 termines at any time that the real property conveyed
25 under subsection (a) is not being used in accordance with
26 the purpose of the conveyance, all right, title, and interest

1 in and to such real property, including any improvements
2 thereto, shall, at the option of the Secretary, revert to and
3 become the property of the United States, and the United
4 States shall have the right of immediate entry onto such
5 real property. A determination by the Secretary under this
6 subsection shall be made on the record after an oppor-
7 tunity for a hearing.

8 (c) PAYMENT OF COSTS OF CONVEYANCES.—

9 (1) PAYMENT REQUIRED.—The Secretary shall
10 require the Department to cover costs to be incurred
11 by the Secretary, or to reimburse the Secretary for
12 costs incurred by the Secretary, to carry out the
13 land conveyance under this section, including survey
14 costs, costs related to environmental documentation,
15 and other administrative costs related to the convey-
16 ance. If amounts are collected from the Department
17 in advance of the Secretary incurring the actual
18 costs, and the amount collected exceeds the costs ac-
19 tually incurred by the Secretary to carry out the
20 land exchange, the Secretary shall refund the excess
21 amount to Department. This paragraph does not
22 apply to costs associated with the environmental re-
23 mediation of the property to be conveyed.

24 (2) TREATMENT OF AMOUNTS RECEIVED.—

25 Amounts received as reimbursements under para-

1 graph (1) shall be credited to the fund or account
2 that was used to cover the costs incurred by the Sec-
3 retary in carrying out the land exchange. Amounts
4 so credited shall be merged with amounts in such
5 fund or account and shall be available for the same
6 purposes, and subject to the same conditions and
7 limitations, as amounts in such fund or account.

8 (c) DESCRIPTION OF PROPERTY.—The exact acreage
9 and legal descriptions of the parcels of real property to
10 be conveyed under subsection (a) shall be determined by
11 a survey satisfactory to the Secretary.

12 (d) ADDITIONAL TERMS AND CONDITIONS.—The
13 Secretary may require such additional terms and condi-
14 tions in connection with the conveyances under subsection
15 (a) as the Secretary considers appropriate to protect the
16 interests of the United States.

17 **SEC. 2845. MODIFICATION OF LAND CONVEYANCE, FORT**
18 **HOOD, TEXAS.**

19 Section 2848(a) of the Military Construction Author-
20 ization Act for Fiscal Year 2005 (division B of Public Law
21 108–375; 118 Stat. 2140) is amended by striking “for the
22 sole purpose” and all that follows through “Central
23 Texas.” and inserting the following: “for the purpose of
24 permitting the University System to use the property—

1 “(1) for the establishment of a State-supported
2 university, separate from other universities of the
3 University System, designated as Texas A&M Uni-
4 versity, Central Texas; and

5 “(2) for such other educational and related pur-
6 poses as the University System considers to be ap-
7 propriate and the Secretary of the Army determines
8 to be compatible with military activities in the vicin-
9 ity of the property.”.

10 **SEC. 2846. TRANSFER OF ADMINISTRATIVE JURISDICTION,**
11 **FORT LEE MILITARY RESERVATION AND PE-**
12 **TERSBURG NATIONAL BATTLEFIELD, VIR-**
13 **GINIA.**

14 (a) **TRANSFER OF ADMINISTRATIVE JURISDICTION**
15 **FROM SECRETARY OF THE ARMY.**—The Secretary of the
16 Army shall transfer to the Secretary of the Interior, with-
17 out reimbursement, administrative jurisdiction over a par-
18 cel of land at Fort Lee Military Reservation consisting of
19 approximately 1.171 acres and depicted as “Area to be
20 transferred to Petersburg National Battlefield” on the
21 map titled “Petersburg National Battlefield Proposed
22 Transfer of Administrative Jurisdiction”, numbered 325/
23 80,801A, and dated May 2011. The Secretary of the Inte-
24 rior shall include the land transferred under this sub-
25 section within the boundary of Petersburg National Bat-

1 tlefield and administer the land as part of the park in ac-
2 cordance with laws and regulations applicable to the park.

3 (b) **TRANSFER OF ADMINISTRATIVE JURISDICTION**
4 **TO SECRETARY OF THE ARMY.**—The Secretary of the In-
5 terior shall transfer to the Secretary of the Army, without
6 reimbursement, administrative jurisdiction over a parcel
7 of land consisting of approximately 1.170 acres and de-
8 picted as “Area to be transferred to Fort Lee Military
9 Reservation” on the map referred to in subsection (a).

10 (c) **AVAILABILITY OF MAP.**—The map referred to in
11 subsection (a) shall be available for public inspection in
12 the appropriate offices of the National Park Service.

13 **Subtitle F—Other Matters**

14 **SEC. 2861. INCLUSION OF RELIGIOUS SYMBOLS AS PART OF** 15 **MILITARY MEMORIALS.**

16 (a) **AUTHORITY.**—Chapter 21 of title 36, United
17 States Code, is amended by adding at the end the fol-
18 lowing new section:

19 **“§ 2115. Inclusion of religious symbols as part of mili-** 20 **tary memorials**

21 “(a) **INCLUSION OF RELIGIOUS SYMBOLS AUTHOR-**
22 **IZED.**—To recognize the religious background of members
23 of the United States Armed Forces, religious symbols may
24 be included as part of—

1 (A) in subsection (b)(2)(C), by striking “The
2 Center for Hemispheric Defense Studies” and in-
3 serting “The William J. Perry Center for Hemi-
4 spheric Defense Studies”; and

5 (B) in subsection (f)(5), by striking “the Center
6 for Hemispheric Defense Studies” and inserting
7 “the William J. Perry Center for Hemispheric De-
8 fense Studies”.

9 (2) Section 2611(a)(2)(C) of such title is amended
10 by striking “The Center for Hemispheric Defense Stud-
11 ies.” and inserting “The William J. Perry Center for
12 Hemispheric Defense Studies.”.

13 (c) REFERENCES.—Any reference to the Department
14 of Defense Center for Hemispheric Defense Studies in any
15 law, regulation, map, document, record, or other paper of
16 the United States shall be deemed to be a reference to
17 the William J. Perry Center for Hemispheric Defense
18 Studies.

19 **SEC. 2863. SENSE OF CONGRESS REGARDING ESTABLISH-**
20 **MENT OF MILITARY DIVERS MEMORIAL AT**
21 **WASHINGTON NAVY YARD.**

22 It is the sense of Congress that the Secretary of the
23 Navy should provide an appropriate site at the former
24 Navy Dive School at the Washington Navy Yard for a me-
25 morial, to be paid for with private funds, to honor the

1 members of the Armed Forces who have served as divers
2 and whose service in defense of the United States has been
3 carried out beneath the waters of the world, so long as
4 the Secretary of the Navy has exclusive authority to ap-
5 prove the design and site of the memorial.

6 **SEC. 2864. GOLD STAR MOTHERS NATIONAL MONUMENT,**
7 **ARLINGTON NATIONAL CEMETERY.**

8 (a) ESTABLISHMENT.—The Secretary of the Army
9 shall permit the Gold Star Mothers National Monument
10 Foundation (a nonprofit corporation established under the
11 laws of the District of Columbia) to establish an appro-
12 priate monument in Arlington National Cemetery or on
13 Federal land in its environs under the jurisdiction of the
14 Department of the Army to commemorate the sacrifices
15 made by mothers, and made by their sons and daughters
16 who as members of the Armed Forces make the ultimate
17 sacrifice, in defense of the United States. The monument
18 shall be known as the “Gold Star Mothers National Monu-
19 ment”.

20 (b) PAYMENT OF EXPENSES.—The Gold Star Moth-
21 ers National Monument Foundation shall be solely respon-
22 sible for acceptance of contributions for, and payment of
23 the expenses of, the establishment of the monument, and
24 no Federal funds may be used to pay such expenses.

1 **SEC. 2865. NAMING OF TRAINING AND SUPPORT COMPLEX,**
2 **FORT BRAGG, NORTH CAROLINA.**

3 (a) NAMING.—The complex located on Fort Bragg,
4 North Carolina, currently referred to as “Patriot Point”,
5 shall be known and designated as the “Colonel Robert
6 Howard Training and Support Complex”.

7 (b) REFERENCES.—Any reference in a law, map, reg-
8 ulation, document, paper, or other record of the United
9 States to the complex referred to in subsection (a) shall
10 be deemed to be a reference to the “Colonel Robert How-
11 ard Training and Support Complex”.

12 **SEC. 2866. NAMING OF ELECTROCHEMISTRY ENGINEERING**
13 **FACILITY, NAVAL SUPPORT ACTIVITY CRANE,**
14 **CRANE, INDIANA.**

15 (a) NAMING.—The electrochemistry engineering facil-
16 ity on Naval Support Activity Crane, Crane, Indiana, shall
17 be known and designated as the “John Hostettler Electro-
18 chemistry Engineering Facility”.

19 (b) REFERENCES.—Any reference in a law, map, reg-
20 ulation, document, paper, or other record of the United
21 States to the facility referred to in subsection (a) shall
22 be deemed to be a reference to the “John Hostettler Elec-
23 trochemistry Engineering Facility”.

1 **SEC. 2867. RETENTION OF CORE FUNCTIONS OF THE ELEC-**
2 **TRONIC SYSTEMS CENTER AT HANSCOM AIR**
3 **FORCE BASE, MASSACHUSETTS.**

4 The Secretary of the Air Force shall retain the core
5 functions of the Electronic Systems Center at Hanscom
6 Air Force Base, Massachusetts, with the same integrated
7 mission elements, responsibilities, and capabilities as ex-
8 isted as of November 1, 2011, until such time as such
9 integrated mission elements, responsibilities, and capabili-
10 ties are modified pursuant to section 2687 of title 10,
11 United States Code, or a subsequent law providing for the
12 closure or realignment of military installations in the
13 United States.

14 **SEC. 2868. RETENTION OF CORE FUNCTIONS OF THE AIR**
15 **FORCE MATERIEL COMMAND, WRIGHT-PAT-**
16 **TERSON AIR FORCE BASE, OHIO.**

17 The Secretary of the Air Force shall retain the core
18 functions of the Air Force Materiel Command that exist
19 at Wright-Patterson Air Force Base, Ohio, as of Novem-
20 ber 1, 2011, until such time as such core functions are
21 modified pursuant to section 2687 of title 10, United
22 States Code, or a subsequent law providing for the closure
23 or realignment of military installations in the United
24 States.

1 **SEC. 2869. MASSACHUSETTS INSTITUTE OF TECHNOLOGY—**
2 **LINCOLN LABORATORY IMPROVEMENT**
3 **PROJECT.**

4 (a) IMPROVEMENT AND MODERNIZATION
5 PROJECT.—The Secretary of the Air Force may enter into
6 discussions with the Massachusetts Institute of Tech-
7 nology for a project to improve and modernize the Lincoln
8 Laboratory complex at Hanscom Air Force Base, Massa-
9 chusetts. The project may include modifications and addi-
10 tions to research laboratories, office spaces, and sup-
11 porting facilities necessary to carry out the mission of the
12 Lincoln Laboratory as a Federally Funded Research and
13 Development Center (in this section referred to as
14 “FFRDC”). Supporting facilities under the project may
15 include infrastructure for utilities.

16 (b) USE OF FACILITIES.—The right of the Massachu-
17 setts Institute of Technology to use such facilities and
18 equipment shall be as provided by the FFRDC Sponsoring
19 Agreement and FFRDC contract between the Department
20 of Defense and the Massachusetts Institute of Technology.

21 (c) RULE OF CONSTRUCTION REGARDING CON-
22 STRUCTION AUTHORITY.—Nothing in this section shall be
23 construed to authorize the Secretary of the Air Force to
24 carry out a construction project at Hanscom Air Force
25 Base, Massachusetts, unless such project is otherwise au-
26 thorized by law.

1 (d) ADDITIONAL TERMS AND CONDITIONS.—The
2 Secretary may require such additional terms and condi-
3 tions in the FFRDC Sponsoring Agreement and the
4 FFRDC contract as the Secretary of the Air Force con-
5 siders appropriate to protect the interests of the United
6 States.

7 **SEC. 2870. LIMITATION ON AVAILABILITY OF FUNDS PEND-**
8 **ING REPORT REGARDING ACQUISITION OF**
9 **LAND AND DEVELOPMENT OF A TRAINING**
10 **RANGE FACILITY ADJACENT TO THE MARINE**
11 **CORPS GROUND AIR COMBAT CENTER TWEN-**
12 **TY NINE PALMS, CALIFORNIA.**

13 (a) FINDINGS.—Congress makes the following find-
14 ings:

15 (1) The Marine Corps has studied the feasi-
16 bility of acquiring land and developing a training
17 range facility to conduct Marine Expeditionary Bri-
18 gade level live-fire training on or near the West
19 Coast.

20 (2) The Bureau of Land management estimates
21 on national economic impact show \$261.5 million in
22 commerce at risk.

23 (3) Economic impact on the local community is
24 estimated to be \$71.1 million.

25 (b) LIMITATION OF FUNDS PENDING REPORT.—

1 (1) IN GENERAL.—The Secretary of the Navy
2 may not obligate or expend funds for the transfer of
3 land or development of a new training range on land
4 adjacent to the Marine Corps Ground Air Combat
5 Center Twenty Nine Palms, California until the Sec-
6 retary of the Navy has provided the Congressional
7 defense committees a report on the Marine Corps’
8 efforts with respect to the proposed training range.

9 (2) ELEMENTS OF REPORT.—The report re-
10 quired under paragraph (1) shall be submitted not
11 later than 90 days after the date of enactment of
12 this Act and shall include the following:

13 (A) A description of the actual training re-
14 quirements for the proposed range and where
15 those training requirements are currently being
16 met to support combat deployments.

17 (B) Identify the impact on off-road vehicle
18 recreational users of the land, the economic im-
19 pact on the local economy, the recreation indus-
20 try, and any other stakeholders.

21 (C) Identify any concerns discussed with
22 the Bureau of Land Management regarding
23 their assessments of the impact on other users.

24 (D) Identify the impact on the State of
25 California’s 1980 Desert Conservation plan re-

1 garding allocation of the Off Highway Vehicle
2 Recreation Areas.

3 (E) The potential to use the same land
4 without transfer, but under specific permits for
5 use provided by the (such as agreements at
6 other locations under permit from the Forest
7 Service and Bureau of Land Management).

8 (F) Any potential on other Bureau of
9 Land Management lands proximate to the Ma-
10 rine Corps Ground Air Combat Center Twenty
11 Nine Palms or other locations in the geographic
12 region.

13 (3) SECRETARY OF DEFENSE WAIVER.—In the
14 event of urgent national need, the Secretary of De-
15 fense may notify the Congressional Committees and
16 waive the requirement for this report.

17 **SEC. 2871. RETENTION OF CORE FUNCTIONS OF THE AIR**
18 **TRAFFIC CONTROL STATION, JOHNSTOWN**
19 **AIR NATIONAL GUARD BASE, PENNSYLVANIA.**

20 The Secretary of the Air Force shall retain the core
21 functions of the Air Traffic Control Station at Johnstown
22 Air National Guard Base, Pennsylvania, with the same in-
23 tegrated mission elements, responsibilities, and capabili-
24 ties as existed as of November 1, 2011, until such time
25 as such integrated mission elements, responsibilities, and

1 capabilities are modified pursuant to section 2687 of title
2 10, United States Code, or a subsequent law providing for
3 the closure or realignment of military installations in the
4 United States.

5 **SEC. 2872. MODIFICATION OF NOTICE REQUIREMENTS IN**
6 **ADVANCE OF PERMANENT REDUCTION OF**
7 **SIZABLE NUMBERS OF MEMBERS OF THE**
8 **ARMED FORCES AT MILITARY INSTALLA-**
9 **TIONS.**

10 (a) CALCULATION OF NUMBER OF AFFECTED MEM-
11 BERS.—Subsection (a) of section 993 of title 10, United
12 States Code, is amended by adding at the end the fol-
13 lowing new sentence: “In calculating the number of mem-
14 bers to be reduced, the Secretary shall take into consider-
15 ation both direct reductions and indirect reductions.”.

16 (b) NOTICE REQUIREMENTS.—Subsection (b) of such
17 section is amended by striking paragraphs (1) and (2) and
18 inserting the following new paragraphs:

19 “(1) the Secretary of Defense or the Secretary
20 of the military department concerned—

21 “(A) submits to Congress a notice of the
22 proposed reduction and the number of military
23 and civilian personnel assignments affected, in-
24 cluding reductions in base operations support

1 services and personnel to occur because of the
2 proposed reduction; and

3 “(B) includes in the notice a justification
4 for the reduction and an evaluation of the costs
5 and benefits of the reduction and of the local
6 economic, environmental, strategic, and oper-
7 ational consequences of the reduction; and

8 “(2) a period of 90 days expires following the
9 day on which the notice is submitted to Congress.”.

10 (c) TIME AND FORM OF SUBMISSION OF NOTICE.—

11 Such section is further amended—

12 (1) by redesignating subsection (c) as sub-
13 section (d); and

14 (2) by inserting after subsection (b) the fol-
15 lowing new subsection:

16 “(c) TIME AND FORM OF SUBMISSION OF NOTICE.—

17 The notice required by subsections (a) and (b) may be sub-
18 mitted to Congress only as part of the budget justification
19 materials submitted by the Secretary of Defense to Con-
20 gress in support of the budget for a fiscal year submitted
21 under section 1105 of title 31.”.

22 (d) DEFINITIONS.—Such section is further amended
23 by adding at the end the following new subsection:

24 “(e) DEFINITIONS.—In this section:

1 “(1) The term ‘direct reduction’ means a reduc-
2 tion involving one or more members of a unit.

3 “(2) The term ‘indirect reduction’ means subse-
4 quent planned reductions or relocations in base oper-
5 ations support services and personnel able to occur
6 due to the direct reductions.

7 “(3) The term ‘military installation’ means a
8 base, camp, post, station, yard, center, homeport fa-
9 cility for any ship, or other activity under the juris-
10 diction of the Department of Defense, including any
11 leased facility, which is located within any of the
12 several States, the District of Columbia, the Com-
13 monwealth of Puerto Rico, American Samoa, the
14 Virgin Islands, the Commonwealth of the Northern
15 Mariana Islands, or Guam. Such term does not in-
16 clude any facility used primarily for civil works, riv-
17 ers and harbors projects, or flood control projects.

18 “(4) The term ‘unit’ means a unit of the armed
19 forces at the battalion, squadron, or an equivalent
20 level (or a higher level).”.

1 **TITLE XXIX—OVERSEAS CONTIN-**
 2 **GENY OPERATIONS MILI-**
 3 **TARY CONSTRUCTION**

4 **SEC. 2901. AUTHORIZED NAVY CONSTRUCTION AND LAND**
 5 **ACQUISITION PROJECTS.**

6 (a) OUTSIDE THE UNITED STATES.—The Secretary
 7 of the Navy may acquire real property and carry out mili-
 8 tary construction projects for the installations or locations
 9 outside the United States, and in the amounts, set forth
 10 in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
SW Asia	SW Asia	\$51,348,000
Djibouti	Camp Lemonier	\$99,420,000

11 (b) AUTHORIZATION OF APPROPRIATIONS.—Funds
 12 are hereby authorized to be appropriated for fiscal years
 13 beginning after September 30, 2012, for military con-
 14 struction projects outside the United States authorized by
 15 subsection (a) as specified in the funding table in section
 16 4602.

1 **DIVISION C—DEPARTMENT OF**
2 **ENERGY NATIONAL SECURITY**
3 **AUTHORIZATIONS AND**
4 **OTHER AUTHORIZATIONS**
5 **TITLE XXXI—DEPARTMENT OF**
6 **ENERGY NATIONAL SECURITY**
7 **PROGRAMS**
8 **Subtitle A—National Security**
9 **Programs Authorizations**

10 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**
11 **TION.**

12 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
13 are hereby authorized to be appropriated to the Depart-
14 ment of Energy for fiscal year 2013 for the activities of
15 the National Nuclear Security Administration in carrying
16 out programs as specified in the funding table in section
17 4701.

18 (b) AUTHORIZATION OF NEW PLANT PROJECTS.—
19 From funds referred to in subsection (a) that are available
20 for carrying out plant projects, the Secretary of Energy
21 may carry out new plant projects for the National Nuclear
22 Security Administration as follows:

23 Project 13–D–301, Electrical Infrastruc-
24 ture Upgrades, Lawrence Livermore National
25 Laboratory, Livermore, California, and Los Al-

1 amos National Laboratory, Los Alamos, New
2 Mexico, \$23,000,000.

3 Project 13-D-905, Remote-Handled Low-
4 Level Waste Disposal Project, Idaho National
5 Laboratory, \$8,890,000.

6 Project 13-D-904, Kesselring Site Radio-
7 logical Work and Storage Building, Kesselring
8 Site, West Milton, New York, \$2,000,000.

9 Project 13-D-903, Kesselring Site Proto-
10 type Staff Building, Kesselring Site, West Mil-
11 ton, New York, \$14,000,000.

12 **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

13 Funds are hereby authorized to be appropriated to
14 the Department of Energy for fiscal year 2013 for defense
15 environmental cleanup activities in carrying out programs
16 as specified in the funding table in section 4701.

17 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

18 Funds are hereby authorized to be appropriated to
19 the Department of Energy for fiscal year 2013 for other
20 defense activities in carrying out programs as specified in
21 the funding table in section 4701.

22 **SEC. 3104. ENERGY SECURITY AND ASSURANCE.**

23 Funds are hereby authorized to be appropriated to
24 the Department of Energy for fiscal year 2013 for energy

1 security and assurance programs necessary for national
2 security as specified in the funding table in section 4701.

3 **Subtitle B—Program Authoriza-**
4 **tions, Restrictions, and Limita-**
5 **tions**

6 **SEC. 3111. AUTHORIZED PERSONNEL LEVELS OF THE OF-**
7 **FICE OF THE ADMINISTRATOR.**

8 (a) CAP ON FULL-TIME EQUIVALENT POSITIONS.—

9 (1) IN GENERAL.—The National Nuclear Secu-
10 rity Administration Act (50 U.S.C. 2401 et seq.) is
11 amended by inserting after section 3241 the fol-
12 lowing new section:

13 **“SEC. 3241A. AUTHORIZED PERSONNEL LEVELS OF THE OF-**
14 **FICE OF THE ADMINISTRATOR.**

15 “(a) FULL-TIME EQUIVALENT PERSONNEL LEV-
16 ELS.—(1) Beginning 180 days after the date of the enact-
17 ment of this section, the total number of employees of the
18 Office of the Administrator of the Administration may not
19 exceed 1,730.

20 “(2) Beginning October 1, 2014, the total number
21 of employees of the Office of the Administrator may not
22 exceed 1,630.

23 “(b) COUNTING RULE.—(1) A determination of the
24 number of employees in the Office of the Administrator

1 under subsection (a) shall be expressed on a full-time
2 equivalent basis.

3 “(2) Except as provided by paragraph (3), in deter-
4 mining the total number of employees in the Office of the
5 Administrator under subsection (a), the Administrator
6 shall count each employee of the Office without regard to
7 whether the employee is located at the headquarters of the
8 Administration, a site office of the Administration, a serv-
9 ice or support center of the Administration, or any other
10 location.

11 “(3) The following employees may not be counted for
12 purposes of determining the total number of employees in
13 the Office of the Administrator under subsection (a):

14 “(A) Employees of the Office of Naval Reac-
15 tors.

16 “(B) Employees of the Office of Secure Trans-
17 portation.

18 “(C) Members of the Armed Forces detailed to
19 the Administration.

20 “(c) VOLUNTARY EARLY RETIREMENT.—In accord-
21 ance with section 3523 of title 5, United States Code, the
22 Administrator may offer voluntary separation or retire-
23 ment incentives to meet the total number of employees au-
24 thorized under subsection (a).

1 “(d) WORK PLACEMENT PROGRAM.—The Adminis-
2 trator shall establish a work placement program to assist
3 employees of the Administration who are separated from
4 service pursuant to this section find new employment.”.

5 (2) CLERICAL AMENDMENT.—The table of con-
6 tents at the beginning of the National Nuclear Secu-
7 rity Administration Act is amended by inserting
8 after the item relating to section 3241 the following
9 new item:

“Sec. 3241A. Authorized personnel levels of the Office of the Administrator.”.

10 (b) INCREASE IN EXCEPTED POSITIONS.—Section
11 3241 of the National Nuclear Security Administration Act
12 (50 U.S.C. 2441) is amended by striking “300” and in-
13 serting “450”.

14 (c) REPORTS.—

15 (1) REPORT.—Not later than 180 days after
16 the date of the enactment of this Act, the Adminis-
17 trator for Nuclear Security shall submit to the con-
18 gressional defense committees a report—

19 (A) describing the criteria and processes
20 used to implement the personnel levels required
21 by section 3241A of the National Nuclear Secu-
22 rity Administration Act, as added by subsection
23 (a);

24 (B) detailing the realized and expected cost
25 savings within the Office of the Administrator

1 and the nuclear security enterprise resulting
2 from such personnel reductions and the transi-
3 tion to performance-based governance, manage-
4 ment, and oversight pursuant to section 3265
5 of such Act, as added by section 3113;

6 (C) describing any impacts such personnel
7 reductions have had or will have on the ability
8 of the Administration to perform the mission of
9 the Administration safely, securely, effectively,
10 and efficiently;

11 (D) assessing various levels of further per-
12 sonnel reductions, including reductions of 10
13 percent, 15 percent, and 50 percent, on the
14 ability of the Administration to perform the
15 mission of the Administration safely, securely,
16 effectively, and efficiently;

17 (E) recommending any further efficiencies
18 and personnel reductions that should be made
19 as a result of such transition pursuant to such
20 section 3265, including an implementation plan
21 and schedule for achieving such efficiencies and
22 reductions; and

23 (F) assessing the salary and wage struc-
24 ture of the Office of the Administrator and the
25 management and operating contractors of the

1 nuclear security enterprise, as well as the status
2 and effectiveness of contractor assurance sys-
3 tems across the nuclear security enterprise.

4 (2) ASSESSMENT.—Not later than 180 days
5 after the date on which the report under paragraph
6 (1) is submitted, the Comptroller General of the
7 United States shall submit to the congressional de-
8 fense committees an assessment of such report.

9 **SEC. 3112. BUDGET JUSTIFICATION MATERIALS.**

10 Section 3251(b) of the National Nuclear Security Ad-
11 ministration Act (50 U.S.C. 2451) is amended—

12 (1) by striking “In the” and inserting “(1) In
13 the”; and

14 (2) by adding at the end the following new
15 paragraph:

16 “(2) In the budget justification materials submitted
17 to Congress in support of each such budget, the Adminis-
18 trator shall include an assessment of how the budget
19 maintains the core nuclear weapons skills of the Adminis-
20 tration, including nuclear weapons design, engineering,
21 production, testing, and prediction of stockpile aging.”.

22 **SEC. 3113. CONTRACTOR GOVERNANCE, OVERSIGHT, AND**
23 **ACCOUNTABILITY.**

24 (a) OVERSIGHT OF CONTRACTORS.—

1 (1) IN GENERAL.—The National Nuclear Secu-
2 rity Administration Act (50 U.S.C. 2401 et seq.) is
3 amended by adding after section 3264 the following
4 new section:

5 **“SEC. 3265. CONTRACTOR GOVERNANCE, OVERSIGHT, AND**
6 **ACCOUNTABILITY.**

7 “(a) PERFORMANCE-BASED CONTRACTOR GOVERN-
8 ANCE, MANAGEMENT, AND OVERSIGHT.—(1) The Admin-
9 istrator shall establish a system of governance, manage-
10 ment, and oversight of covered contractors.

11 “(2) The system established under paragraph (1)
12 shall—

13 “(A) include clear, consistent, and auditable
14 performance-based standards relating to the mission
15 effectiveness and operations of a covered contractor;

16 “(B) ensure that the governance, management,
17 and oversight of the mission effectiveness and oper-
18 ations of a covered contractor is conducted pursuant
19 to national and international standards and best
20 practices;

21 “(C) recognize the respective roles of—

22 “(i) the Federal Government in deter-
23 mining the performance-based standards with
24 respect to high-level mission and operations per-
25 formance objectives; and

1 “(ii) a covered contractor, particularly a
2 contractor that is a federally funded research
3 and development corporation, in determining
4 how to accomplish such objectives;

5 “(D) conduct oversight based on outcomes and
6 performance-based standards rather than detailed,
7 transaction-based oversight; and

8 “(E) include appropriate measures to ensure
9 that the Administrator has accurate and consistent
10 data and information to manage and make decisions
11 with respect to the nuclear security enterprise.

12 “(3)(A) The Administrator may exempt individual
13 areas of governance, management, and oversight from the
14 requirements of the system established under paragraph
15 (1) and continue to conduct transaction-based oversight
16 if the Administrator determines that such exemption is
17 necessary to ensure the national security or the safety, se-
18 curity, or performance of the Administration.

19 “(B) If the Administrator makes an exemption under
20 subparagraph (A), the Administrator shall annually sub-
21 mit to the congressional defense committees a certification
22 for each such exemption, including a description of why
23 such exemption is needed.

24 “(C) During the three-year period beginning on the
25 date of the enactment of this section, the Administrator

1 may temporarily exempt individual facilities or contractors
2 from the system established under paragraph (1) and con-
3 tinue to conduct transaction-based oversight if the Admin-
4 istrator determines that such exemption is needed to en-
5 sure that robust contractor assurance, accountability, and
6 performance-based oversight mechanisms are in place for
7 such facility or contractor.

8 “(D) If the Administrator makes an exemption under
9 subparagraph (C), the Administrator shall annually sub-
10 mit to the congressional defense committees a written jus-
11 tification for such exemption and a plan and schedule to
12 transition the exempted facility or contractor to the sys-
13 tem established under paragraph (1).

14 “(b) CONTRACTOR ACCOUNTABILITY.—The Adminis-
15 trator shall—

16 “(1) ensure that each management and oper-
17 ating contract includes robust mechanisms to ensure
18 the accountability of a covered contractor; and

19 “(2) exercise such mechanisms as the Adminis-
20 trator determines appropriate to ensure the perform-
21 ance of the covered contractor.

22 “(c) DEFINITIONS.—In this section:

23 “(1) The term ‘covered contractor’ means a
24 contractor who enters into a management and oper-
25 ating contract.

1 “(2) The term ‘management and operating con-
2 tract’ means a contract entered into by the Adminis-
3 trator and a contractor to manage and operate a
4 Government-owned, contractor-operated facility.

5 “(3) The term ‘performance-based standards’,
6 with respect to a covered contract, means that the
7 contract includes the use of performance work state-
8 ments that set forth contract requirements in clear,
9 specific, and objective terms with measurable out-
10 comes.”.

11 (2) CLERICAL AMENDMENT.—The table of con-
12 tents at the beginning of the National Nuclear Secu-
13 rity Administration Act is amended by inserting
14 after the item relating to section 3264 the following
15 new item:

“Sec. 3265. Contractor governance, oversight, and accountability.”.

16 (b) REPORTS.—Not later than January 15, 2013,
17 and each year thereafter through 2016, the Administrator
18 shall submit to the congressional defense committees a re-
19 port that includes—

20 (1) a description of each instance during the
21 previous calendar year in which the Administrator,
22 or any other head of an agency of the Federal Gov-
23 ernment, used a procedure, standard, or process for
24 governance, management, and oversight of a covered
25 contract (as defined in section 3265(d)(1) of the Na-

1 tional Nuclear Security Administration Act, as
2 added by subsection (a)(1)) that is not a procedure,
3 standard, or process that conforms to national or
4 international standards or industry best practices;

5 (2) an explanation of why such procedure,
6 standard, or process was used during such year and
7 any steps that will be taken by the Administrator or
8 other head of an agency, as the case may be, in fu-
9 ture years to instead use a procedure, standard, or
10 process that conforms to national or international
11 standards or industry best practices; and

12 (3) a description of any oversight activities by
13 any agency of the Federal Government that occurred
14 during the previous calendar year that the Adminis-
15 trator considers duplicative or unnecessary.

16 **SEC. 3114. NATIONAL NUCLEAR SECURITY ADMINISTRA-**
17 **TION COUNCIL.**

18 (a) NNSA COUNCIL.—Section 4102 of the Atomic
19 Energy Defense Act (50 U.S.C. 2512) is amended to read
20 as follows:

21 **“SEC. 4102. MANAGEMENT STRUCTURE FOR NUCLEAR SE-**
22 **CURITY ENTERPRISE.**

23 “(a) IN GENERAL.—The Administrator shall estab-
24 lish a management structure for the nuclear security en-

1 terprise in accordance with the National Nuclear Security
2 Administration Act (50 U.S.C. 2401 et seq.).

3 “(b) NATIONAL NUCLEAR SECURITY ADMINISTRA-
4 TION COUNCIL.—(1) The Administrator shall establish a
5 council to be known as the ‘National Nuclear Security Ad-
6 ministration Council’. The Council may advise the Admin-
7 istrator on scientific and technical issues relating to policy
8 matters, operational concerns, strategic planning, and the
9 development of priorities relating to the mission and oper-
10 ations of the Administration and the nuclear security en-
11 terprise.

12 “(2) The Council shall be composed of the directors
13 of the national security laboratories and the nuclear weap-
14 ons production facilities.

15 “(3) The Council may provide the Administrator or
16 the Secretary of Energy recommendations for improving
17 the—

18 “(A) governance, management, effectiveness,
19 and efficiency of the Administration; and

20 “(B) any other matter in accordance with para-
21 graph (1).

22 “(4) Not later than 60 days after the date on which
23 any recommendation under paragraph (3) is received, the
24 Administrator or the Secretary, as the case may be, shall
25 respond to the Council with respect to whether such rec-

1 ommendation will be implemented and the reasoning for
2 implementing or not implementing such recommenda-
3 tion.”.

4 (b) CLERICAL AMENDMENT.—The table of contents
5 at the beginning of the Atomic Energy Defense Act is
6 amended by striking the item relating to section 4102 and
7 inserting the following new item:

“Sec. 4102. Management structure for nuclear security enterprise.”.

8 **SEC. 3115. SAFETY, HEALTH, AND SECURITY OF THE NA-**
9 **TIONAL NUCLEAR SECURITY ADMINISTRA-**
10 **TION.**

11 (a) SECURITY OF ASSETS AND INFORMATION.—

12 (1) IN GENERAL.—Section 3231 of the Na-
13 tional Nuclear Security Administration Act (50
14 U.S.C. 2421) is amended to read as follows:

15 **“SEC. 3231. PROTECTION OF SPECIAL NUCLEAR MATERIAL**
16 **AND NATIONAL SECURITY INFORMATION.**

17 “(a) POLICIES AND PROCEDURES REQUIRED.—The
18 Administrator shall establish policies and procedures to
19 ensure the protection of—

20 “(1) special nuclear material and other sensitive
21 physical assets of the Administration; and

22 “(2) classified information in the possession of
23 the Administration.

24 “(b) PROMPT REPORTING.—The Administrator shall
25 establish procedures to ensure prompt reporting to the Ad-

1 administrator of any significant problem, abuse, violation of
 2 law or Executive order, or deficiency relating to the—

3 “(1) protection of the special nuclear material
 4 and other sensitive physical assets of the Adminis-
 5 tration; and

6 “(2) management of classified information by
 7 personnel of the Administration.”.

8 (2) CLERICAL AMENDMENT.—The table of con-
 9 tents at the beginning of the National Nuclear Secu-
 10 rity Administration Act is amended by striking the
 11 item relating to section 3231 and inserting the fol-
 12 lowing new item:

“Sec. 3231. Protection of special nuclear material and national security infor-
 mation.”.

13 (b) HEALTH AND SAFETY.—

14 (1) IN GENERAL.—Section 3261 of the Na-
 15 tional Nuclear Security Administration Act (50
 16 U.S.C. 2461) is amended—

17 (A) in subsection (a), by striking “The Ad-
 18 ministrator” and inserting “In accordance with
 19 subsections (c) and (d), the Administrator”;

20 (B) by striking subsection (c);

21 (C) by adding at the end the following new
 22 subsection:

23 “(c) NON-NUCLEAR HEALTH AND SAFETY.—(1) In
 24 carrying out this section with respect to non-nuclear oper-

1 ations, the Administrator shall ensure that the Adminis-
2 tration complies with all applicable occupational safety
3 and health standards promulgated under the Occupational
4 Safety and Health Act of 1970 (29 U.S.C. 655) that are
5 administered by the Secretary of Labor.

6 “(2) With respect to complying with the occupational
7 safety and health standards under paragraph (1), and con-
8 ducting oversight of such occupational safety and health
9 standards, the Administrator shall ensure that such com-
10 plying and oversight by the Administration is conducted—

11 “(A) in accordance with best industry and Gov-
12 ernment practices for meeting such standards; and

13 “(B) in accordance with the performance-based
14 system of governance, management, and oversight
15 established under section 3265, notwithstanding the
16 exemption authority under subsection (a)(3) of such
17 section.

18 “(3) Except as provided by paragraph (4), the Ad-
19 ministrator may not establish or prescribe any order, rule,
20 or regulation regarding occupational safety and health un-
21 less such order, rule, or regulation is pursuant to an occu-
22 pational safety and health standard described in para-
23 graph (1).

24 “(4)(A) In carrying out paragraph (3)—

1 “(i) the Administrator may waive the require-
2 ment under such paragraph for any type of high
3 hazard operations if the Administrator determines
4 that such waiver is necessary to ensure safety; and

5 “(ii) the Administrator shall waive such require-
6 ments for operations involving beryllium.

7 “(B) The Administrator shall submit an annual cer-
8 tification to the congressional defense committees regard-
9 ing why any such waivers made under subparagraph (A)
10 are required to ensure safety.”; and

11 (D) by adding after subsection (c), as
12 added by subparagraph (C), the following new
13 subsection:

14 “(d) NUCLEAR HEALTH AND SAFETY.—(1) In car-
15 rying out this section with respect to nuclear operations,
16 the Administrator shall prescribe appropriate policies and
17 regulations to ensure the adequate protection of the health
18 and safety of the employees of the Administration, con-
19 tractors of the Administration, and the public. Such poli-
20 cies and regulations shall be based upon risk whenever suf-
21 ficient data exists.

22 “(2) With respect to prescribing and complying with
23 the policies and regulations under paragraph (1), and con-
24 ducting oversight of such policies and regulations by the
25 Administration, the Administrator shall ensure that such

1 prescribing, complying, and oversight is conducted in ac-
2 cordance with the performance-based system of govern-
3 ance, management, and oversight established under sec-
4 tion 3265, notwithstanding the exemption authority under
5 subsection (a)(3) of such section.

6 “(3) CONSTRUCTION.—Nothing in this subsection
7 shall be construed to cause a reduction in nuclear safety
8 standards.”.

9 (2) NUCLEAR HEALTH AND SAFETY EFFECTIVE
10 DATE.—The amendment made by paragraph (1)(D)
11 shall take effect October 1, 2013.

12 (c) REPORT ON AUTHORITY FOR NUCLEAR SAFE-
13 TY.—Not later than March 1, 2013, the Administrator
14 shall submit to the congressional defense committees a re-
15 port that includes—

16 (1) an implementation plan describing the ac-
17 tions needed to fully transition the policy, regu-
18 latory, and oversight authority for the nuclear safety
19 of the nuclear security enterprise from the Depart-
20 ment of Energy to the Administration; and

21 (2) a description of the costs and benefits of
22 such a transition.

1 **SEC. 3116. DESIGN AND USE OF PROTOTYPES OF NUCLEAR**
2 **WEAPONS.**

3 (a) PROTOTYPES.—The Atomic Energy Defense Act
4 (50 U.S.C. 2501 et seq.) is amended by inserting after
5 section 4508 the following new section:

6 **“SEC. 4509. DESIGN AND USE OF PROTOTYPES OF NUCLEAR**
7 **WEAPONS FOR INTELLIGENCE PURPOSES.**

8 “(a) PROTOTYPES.—The Administrator shall develop
9 and carry out a plan for the national security laboratories
10 and nuclear weapons production plants to design and build
11 prototypes of nuclear weapons to further intelligence esti-
12 mates with respect to foreign nuclear weapons activities.

13 “(b) PROHIBITION ON PRODUCTION OF NUCLEAR
14 YIELDS.—In carrying out subsection (a), the Adminis-
15 trator may not conduct any experiments that produce a
16 nuclear yield.”.

17 (b) CLERICAL AMENDMENT.—The table of contents
18 at the beginning of the Atomic Energy Defense Act is
19 amended by inserting after the item relating to section
20 4508 the following new item:

“Sec. 4509. Design and use of prototypes of nuclear weapons for intelligence purposes.”.

1 **SEC. 3117. IMPROVEMENT AND STREAMLINING OF THE MIS-**
2 **SIONS AND OPERATIONS OF THE DEPART-**
3 **MENT OF ENERGY AND NATIONAL NUCLEAR**
4 **SECURITY ADMINISTRATION.**

5 (a) IN GENERAL.—Not later than 90 days after the
6 date of the enactment of this Act, the Secretary of Energy
7 and the Administrator for Nuclear Security, in coordina-
8 tion with the Secretary of Defense and other officials, as
9 the Secretary of Energy and the Administrator consider
10 appropriate, shall revise the Department of Energy Acqui-
11 sition Regulation and other regulations, rules, directives,
12 orders, and policies that apply to the administration, exe-
13 cution, and oversight of the missions and operations of
14 the Department of Energy and the National Nuclear Se-
15 curity Administration to improve and streamline such ad-
16 ministration, execution, and oversight.

17 (b) IMPROVEMENT AND STREAMLINING.—In carrying
18 out subsection (a), the Secretary of Energy and the Ad-
19 ministrator for Nuclear Security shall—

20 (1) streamline business processes and struc-
21 tures to reduce unnecessary, burdensome, or dupli-
22 cative approvals;

23 (2) delegate approval for work for others agree-
24 ments and cooperative research and development
25 agreements (except those that the Secretary or Ad-
26 ministrator determine are high value or unique) to

1 the management and operating contractors of a Gov-
2 ernment-owned, contractor-operated facility of the
3 Department or Administration and hold such con-
4 tractors accountable for maintaining appropriate
5 portfolios with respect to such agreements;

6 (3) establish processes for ensuring routine or
7 low-risk procurement and subcontracting decisions
8 are made at the discretion of the management and
9 operating contractors while ensuring that the Sec-
10 retary or Administrator apply appropriate oversight;

11 (4) assess procurement thresholds as of the
12 date of the enactment of this Act and take steps as
13 appropriate to adjust such thresholds;

14 (5) eliminate duplicative or low-value reports
15 and data calls and ensure consistency in manage-
16 ment and cost accounting data; and

17 (6) otherwise streamline, clarify, and eliminate
18 redundancy in the regulations, rules, directives, or-
19 ders, and policies described by subsection (a).

20 (c) BRIEFING.—

21 (1) IN GENERAL.—Not later than 120 days
22 after the date of the enactment of this Act, the Sec-
23 retary and the Administrator shall provide to the ap-
24 propriate congressional committees a briefing on the

1 regulations, rules, directives, orders, and policies im-
2 proved and streamlined pursuant to subsection (a).

3 (2) APPROPRIATE COMMITTEES DEFINED.—In
4 this subsection, the term “appropriate congressional
5 committees” means—

6 (A) the congressional defense committees;
7 and

8 (B) the Committee on Energy and Natural
9 Resources of the Senate and the Committee on
10 Energy and Commerce of the House of Rep-
11 resentatives.

12 **SEC. 3118. COST-BENEFIT ANALYSES FOR COMPETITION OF**
13 **MANAGEMENT AND OPERATING CONTRACTS.**

14 (a) LIMITATION.—The Administrator for Nuclear Se-
15 curity may not release a final request for proposal for com-
16 petition of any contract to manage and operate a facility
17 of the National Nuclear Security Administration until the
18 date on which the Administrator submits to the congres-
19 sional defense committees a report described in subsection
20 (b).

21 (b) REPORT DESCRIBED.—A report described in this
22 subsection is a report on a request for proposal for com-
23 petition described in subsection (a) that includes—

24 (1) the expected cost savings resulting from the
25 competition over the life of the contract;

1 (2) the costs of the competition, including im-
2 mediate costs of conducting the competition and any
3 increased costs over the life of the contract;

4 (3) a description of—

5 (A) any disruption or delay in mission ac-
6 tivities or deliverables resulting from the com-
7 petition; and

8 (B) any benefits of the proposed competi-
9 tion to mission performance or operations;

10 (4) how the competition complies with the Fed-
11 eral Acquisition Regulation regarding federally fund-
12 ed research and development centers, if applicable;
13 and

14 (5) any other matters the Administrator con-
15 siders appropriate.

16 (c) GAO REVIEW.—Not later than 90 days after each
17 report is submitted to the congressional defense commit-
18 tees under subsection (a) or (d)(2), the Comptroller Gen-
19 eral of the United States shall submit to such committees
20 a review of such report.

21 (d) APPLICABILITY.—

22 (1) IN GENERAL.—The limitation in subsection
23 (a) shall apply with respect to a request for proposal
24 described by such subsection that is released by the

1 Administrator for Nuclear Security during fiscal
2 years 2012 through 2017.

3 (2) FISCAL YEAR 2012 RFPS.—For each request
4 for proposal described by subsection (a) that is re-
5 leased by the Administrator during fiscal year 2012
6 before the date of the enactment of this Act, the Ad-
7 ministrator shall submit to the congressional defense
8 committees a report described in subsection (b) by
9 not later than 90 days after the date of such enact-
10 ment.

11 **SEC. 3119. LIMITATION ON AVAILABILITY OF FUNDS FOR**
12 **INERTIAL CONFINEMENT FUSION IGNITION**
13 **AND HIGH YIELD CAMPAIGN.**

14 (a) LIMITATION.—Except as provided in subsection
15 (b), of the funds authorized to be appropriated by this Act
16 or otherwise made available for fiscal year 2013 for fusion
17 ignition under the Inertial Confinement Fusion Ignition
18 and High Yield Campaign, not more than 50 percent may
19 be obligated or expended until the date on which—

20 (1) the Administrator for Nuclear Security cer-
21 tifies to the congressional defense committees that
22 fusion ignition has been achieved at the National Ig-
23 nition Facility at Lawrence Livermore National Lab-
24 oratory; or

1 (2) the Administrator submits to such commit-
2 tees a detailed report on fusion ignition, including—

3 (A) a thorough description of the remain-
4 ing technical challenges and gaps in under-
5 standing with respect to such ignition;

6 (B) a plan and schedule for reevaluating
7 the ignition program and incorporating experi-
8 mental data into computer models;

9 (C) the best judgment of the Administrator
10 with respect to whether ignition can be achieved
11 at the National Ignition Facility, as designed on
12 the date of the report; and

13 (D) if funding being spent on ignition re-
14 search as of the date of the report were applied
15 to life extension programs—

16 (i) a description of such programs
17 that could be accelerated or otherwise im-
18 proved; and

19 (ii) how such funding changes would
20 affect the stockpile stewardship program.

21 (b) EXCEPTION.—The limitation in subsection (a)
22 shall not apply to the Z machine at Sandia National Lab-
23 oratories or the Omega laser system at the University of
24 Rochester.

1 **SEC. 3120. LIMITATION ON AVAILABILITY OF FUNDS FOR**
2 **GLOBAL SECURITY THROUGH SCIENCE PART-**
3 **NERSHIPS PROGRAM.**

4 (a) **LIMITATION.**—Of the funds authorized to be ap-
5 propriated by this Act or otherwise made available for fis-
6 cal year 2013 for the National Nuclear Security Adminis-
7 tration, not more than \$8,000,000 may be obligated or
8 expended for the Global Security through Science Partner-
9 ships Program, formerly known as the Global Initiatives
10 for Proliferation Prevention Program, until the date on
11 which the Secretary of Energy submits to the appropriate
12 congressional committees the report under subsection (b).

13 (b) **REPORT.**—The Secretary of Energy shall submit
14 to the appropriate congressional committees a report with
15 a plan to complete the Global Security through Science
16 Partnerships Program by the end of calendar year 2015
17 or with a detailed justification on the continued threat and
18 how the continuation of the program would effectively ad-
19 dress such threat.

20 (c) **FORM.**—The report under subsection (b) may be
21 submitted in unclassified form and may include a classi-
22 fied annex.

23 (d) **APPROPRIATE CONGRESSIONAL COMMITTEES**
24 **DEFINED.**—In this section, the term “appropriate con-
25 gressional committees” means—

1 (1) the Committee on Armed Services and the
2 Committee on Foreign Affairs of the House of Rep-
3 resentatives; and

4 (2) the Committee on Armed Services and the
5 Committee on Foreign Relations of the Senate.

6 **SEC. 3121. LIMITATION ON AVAILABILITY OF FUNDS FOR**
7 **CENTER OF EXCELLENCE ON NUCLEAR SECUR-**
8 **RITY.**

9 (a) **LIMITATION.**—Of the funds authorized to be ap-
10 propriated by this Act or otherwise made available for fis-
11 cal year 2013 for the National Nuclear Security Adminis-
12 tration, not more than \$7,000,000 may be obligated or
13 expended for the United States-China Center of Excel-
14 lence on Nuclear Security until the date on which the Sec-
15 retary of Energy submits to the appropriate congressional
16 committees the report under subsection (b)(2).

17 (b) **NUCLEAR SECURITY.**—

18 (1) **REVIEW.**—The Secretary of Energy, in co-
19 ordination with the Secretary of Defense, shall con-
20 duct a review of the existing and planned non-pro-
21 liferation activities with the People’s Republic of
22 China as of the date of the enactment of this Act
23 to determine if the engagement is directly or indi-
24 rectly supporting the proliferation of nuclear weap-
25 ons development and technology to other nations.

1 (2) REPORT.—Not later than 90 days after the
2 date of the enactment of this Act, the Secretary of
3 Energy shall submit to the appropriate congressional
4 committees a report certifying that the activities re-
5 viewed under paragraph (1) are not contributing to
6 the proliferation of nuclear weapons development
7 and technology to other nations.

8 (c) FORM.—The report under subsection (b)(2) may
9 be submitted in unclassified form and may include a clas-
10 sified annex.

11 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
12 DEFINED.—In this section, the term “appropriate con-
13 gressional committees” means—

14 (1) the Committee on Armed Services and the
15 Committee on Foreign Affairs of the House of Rep-
16 resentatives; and

17 (2) the Committee on Armed Services and the
18 Committee on Foreign Relations of the Senate.

19 **SEC. 3122. TWO-YEAR EXTENSION OF SCHEDULE FOR DIS-**
20 **POSITION OF WEAPONS-USABLE PLUTONIUM**
21 **AT SAVANNAH RIVER SITE, AIKEN, SOUTH**
22 **CAROLINA.**

23 Section 4306 of the Atomic Energy Defense Act (50
24 U.S.C. 2566) is amended—

25 (1) in subsection (a)(3)—

1 (A) in subparagraph (C), by striking
2 “2012” and inserting “2014”; and

3 (B) in subparagraph (D), by striking
4 “2017” and inserting “2019”;

5 (2) in subsection (b)—

6 (A) in paragraph (1), by striking “by Jan-
7 uary 1, 2012”;

8 (B) in paragraph (4), by striking “2012”
9 each place it appears and inserting “2014”; and

10 (C) in paragraph (5), by striking “2012”
11 and inserting “2014”;

12 (3) in subsection (c)—

13 (A) in the matter preceding paragraph (1),
14 by striking “2012” and inserting “2014”;

15 (B) in paragraph (1), by striking “2014”
16 and inserting “2016”; and

17 (C) in paragraph (2), by striking “2020”
18 each place it appears and inserting “2022”;

19 (4) in subsection (d)—

20 (A) in paragraph (1)—

21 (i) by striking “2014” and inserting
22 “2016”; and

23 (ii) by striking “2019” and inserting
24 “2021”; and

1 (B) in paragraph (2)(A), by striking
2 “2020” each place it appears and inserting
3 “2022”; and
4 (5) in subsection (e), by striking “2023” and
5 inserting “2025”.

6 **SEC. 3123. LIMITATION ON AVAILABILITY OF FUNDS FOR**
7 **NUCLEAR NONPROLIFERATION ACTIVITIES**
8 **WITH RUSSIAN FEDERATION.**

9 (a) **LIMITATION.**—None of the funds authorized to
10 be appropriated by this Act or otherwise made available
11 for fiscal year 2013 for defense nuclear nonproliferation
12 may be obligated or expended for nuclear nonproliferation
13 activities with the Russian Federation until the date that
14 is 30 days after the date on which the Secretary of Energy
15 certifies, in coordination with the Secretary of State and
16 the Secretary of Defense, to the appropriate congressional
17 committees that—

18 (1) Russia is no longer—

19 (A) providing direct or indirect support to
20 the government of Syria’s suppression of the
21 Syrian people; and

22 (B) transferring to Iran, North Korea, or
23 Syria equipment and technology that have the
24 potential to make a material contribution to the
25 development of weapons of mass destruction or

1 cruise or ballistic missile systems controlled
2 under multilateral control lists; or

3 (2) funds planned to be obligated or expended
4 for nuclear nonproliferation activities with the Rus-
5 sian Federation are strictly for project closeout ac-
6 tivities and will not be used for new activities or ac-
7 tivities that will extend beyond fiscal year 2013.

8 (b) WAIVER.—The Secretary of Energy may waive
9 the limitation in subsection (a) if—

10 (1) the Secretary determines that such waiver is
11 in the national security interests of the United
12 States;

13 (2) the Secretary briefs, in an unclassified
14 form, the appropriate congressional committees on
15 the justifications of such waiver; and

16 (3) a period of 90 days has elapsed following
17 the date on which such briefing is held.

18 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
19 FINED.—In this section, the term “appropriate congres-
20 sional committees” means—

21 (1) the Committee on Armed Services and the
22 Committee on Foreign Affairs of the House of Rep-
23 resentatives; and

24 (2) the Committee on Armed Services and the
25 Committee on Foreign Relations of the Senate.

1 **Subtitle C—Improvements to**
2 **National Security Energy Laws**

3 **SEC. 3131. IMPROVEMENTS TO THE ATOMIC ENERGY DE-**
4 **FENSE ACT.**

5 (a) DEFINITIONS.—

6 (1) IN GENERAL.—Section 4002 of the Atomic
7 Energy Defense Act (50 U.S.C. 2501) is amended to
8 read as follows:

9 **“SEC. 4002. DEFINITIONS.**

10 “In this division:

11 “(1) The term ‘Administration’ means the Na-
12 tional Nuclear Security Administration.

13 “(2) The term ‘Administrator’ means the Ad-
14 ministrators for Nuclear Security.

15 “(3) The term ‘classified information’ means
16 any information that has been determined pursuant
17 to Executive Order No. 12333 of December 4, 1981
18 (50 U.S.C. 401 note), Executive Order No. 12958 of
19 April 17, 1995 (50 U.S.C. 435 note), or successor
20 orders, to require protection against unauthorized
21 disclosure and that is so designated.

22 “(4) The term ‘congressional defense commit-
23 tees’ means—

1 “(A) the Committee on Armed Services
2 and the Committee on Appropriations of the
3 Senate; and

4 “(B) the Committee on Armed Services
5 and the Committee on Appropriations of the
6 House of Representatives.

7 “(5) The term ‘nuclear security enterprise’
8 means the physical facilities, technology, and human
9 capital of the national security laboratories and the
10 nuclear weapons production facilities.

11 “(6) The term ‘national security laboratory’
12 means any of the following:

13 “(A) Los Alamos National Laboratory, Los
14 Alamos, New Mexico.

15 “(B) Sandia National Laboratories, Albu-
16 querque, New Mexico, and Livermore, Cali-
17 fornia.

18 “(C) Lawrence Livermore National Lab-
19 oratory, Livermore, California.

20 “(7) The term ‘nuclear weapons production fa-
21 cility’ means any of the following:

22 “(A) The Kansas City Plant, Kansas City,
23 Missouri.

24 “(B) The Pantex Plant, Amarillo, Texas.

1 “(C) The Y-12 National Security Com-
2 plex, Oak Ridge, Tennessee.

3 “(D) The Savannah River Site, Aiken,
4 South Carolina.

5 “(E) The Nevada National Security Site,
6 Nevada.

7 “(F) Any facility of the Department of En-
8 ergy that the Secretary of Energy, in consulta-
9 tion with the Administrator and the Congress,
10 determines to be consistent with the mission of
11 the Administration.

12 “(8) The term ‘Restricted Data’ has the mean-
13 ing given such term in section 11 y. of the Atomic
14 Energy Act of 1954 (42 U.S.C. 2014(y)).”.

15 (2) CLERICAL AMENDMENT.—The table of con-
16 tents at the beginning of the Atomic Energy Defense
17 Act is amended by striking the item relating to sec-
18 tion 4002 and inserting the following new item:

“Sec. 4002. Definitions.”.

19 (b) STOCKPILE STEWARDSHIP.—Section
20 4201(b)(5)(E) of the Atomic Energy Defense Act (50
21 U.S.C. 2521(b)(5)(E)) is amended by striking “(as de-
22 fined in section 3281 of the National Nuclear Security Ad-
23 ministration Act (50 U.S.C. 2471))”.

1 (c) ANNUAL ASSESSMENTS.—Section 4205 of the
2 Atomic Energy Defense Act (50 U.S.C. 2525) is amended
3 by striking subsection (i).

4 (d) TESTING OF NUCLEAR WEAPONS.—

5 (1) IN GENERAL.—Section 4210 of the Atomic
6 Energy Defense Act (50 U.S.C. 2530) is amended to
7 read as follows:

8 **“SEC. 4210. TESTING OF NUCLEAR WEAPONS.**

9 “(a) UNDERGROUND TESTING.—No underground
10 test of nuclear weapons may be conducted by the United
11 States after September 30, 1996, unless a foreign state
12 conducts a nuclear test after this date, at which time the
13 prohibition on United States nuclear testing is lifted.

14 “(b) ATMOSPHERIC TESTING.—None of the funds
15 appropriated pursuant to the National Defense Authoriza-
16 tion Act for Fiscal Year 1994 or any other Act for any
17 fiscal year may be available to maintain the capability of
18 the United States to conduct atmospheric testing of a nu-
19 clear weapon.”.

20 (2) CLERICAL AMENDMENT.—The table of con-
21 tents at the beginning of the Atomic Energy Defense
22 Act is amended by striking the items relating to sec-
23 tions 4210 and 4211 and inserting the following new
24 item:

“Sec. 4210. Testing of nuclear weapons.”.

1 (3) CONFORMING AMENDMENT.—Section 4211
2 of the Atomic Energy Defense Act (50 U.S.C. 2531)
3 is repealed.

4 (e) MANUFACTURING INFRASTRUCTURE.—Section
5 4212 of the Atomic Energy Defense Act (50 U.S.C. 2532)
6 is amended by striking subsections (d) and (e).

7 (f) CRITICAL DIFFICULTIES REPORT.—

8 (1) IN GENERAL.—Section 4213 of the Atomic
9 Energy Defense Act (50 U.S.C. 2533) is amended—

10 (A) in the heading, by striking “**NUCLEAR**
11 **WEAPONS LABORATORIES AND NUCLEAR**
12 **WEAPONS PRODUCTION PLANTS**” and in-
13 serting “**NATIONAL SECURITY LABORA-**
14 **TORIES AND NUCLEAR WEAPONS PRODUC-**
15 **TION FACILITIES**”;

16 (B) in subsection (a), by striking “Assistant
17 Secretary of Energy for Defense Programs”
18 and inserting “Administrator”;

19 (C) by striking “Assistant Secretary” each
20 place it appears and inserting “Administrator”;

21 (D) by striking “nuclear weapons labora-
22 tory” each place it appears and inserting “na-
23 tional security laboratory”;

1 (E) by striking “production plant” each
2 place it appears and inserting “production facil-
3 ity”; and

4 (F) by striking subsection (e).

5 (2) CLERICAL AMENDMENT.—The table of con-
6 tents at the beginning of the Atomic Energy Defense
7 Act is amended by striking the item relating to sec-
8 tion 4213 and inserting the following new item:

“Sec. 4213. Reports on critical difficulties at national security laboratories and
nuclear weapons production facilities.”.

9 (g) PLAN FOR TRANSFORMATION.—

10 (1) IN GENERAL.—Section 4214 of the Atomic
11 Energy Defense Act (50 U.S.C. 2534) is amended—

12 (A) by striking subsections (b) and (d);
13 and

14 (B) by redesignating subsection (c) as sub-
15 section (b).

16 (2) CLERICAL AMENDMENT.—The table of con-
17 tents at the beginning of the Atomic Energy Defense
18 Act is amended by inserting after the item relating
19 to section 4213 the following new item:

“Sec. 4214. Plan for transformation of national nuclear security administration
nuclear weapons complex.”.

20 (h) TRITIUM PRODUCTION PROGRAM.—Section 4231
21 of the Atomic Energy Defense Act (50 U.S.C. 2541) is
22 amended to read as follows:

1 **“SEC. 4231. TRITIUM PRODUCTION PROGRAM.**

2 “(a) ESTABLISHMENT OF PROGRAM.—The Secretary
3 shall establish a tritium production program that is capa-
4 ble of meeting the tritium requirements of the United
5 States for nuclear weapons. In carrying out the tritium
6 production program, the Secretary shall assess alternative
7 means for tritium production, including production
8 through—

9 “(1) types of new and existing reactors, includ-
10 ing multipurpose reactors (such as advanced light
11 water reactors and gas turbine gas-cooled reactors)
12 capable of meeting both the tritium production re-
13 quirements and the plutonium disposition require-
14 ments of the United States for nuclear weapons;

15 “(2) an accelerator; and

16 “(3) multipurpose reactor projects carried out
17 by the private sector and the Government.

18 “(b) LOCATION OF TRITIUM PRODUCTION FACIL-
19 ITY.—The Secretary shall locate any new tritium produc-
20 tion facility of the Department of Energy at the Savannah
21 River Site, South Carolina.”.

22 (i) TRITIUM RECYCLING FACILITIES.—Section 4234
23 of the Atomic Energy Defense Act (50 U.S.C. 2544) is
24 amended—

1 (1) by striking “(a) IN GENERAL.—The Sec-
2 retary of Energy” and inserting “The Secretary”;
3 and

4 (2) by striking subsection (b).

5 (j) RESTRICTED DATA.—Section 4501 of the Atomic
6 Energy Defense Act (50 U.S.C. 2651(a)) is amended by
7 striking subsection (c).

8 (k) FOREIGN VISITORS.—Section 4502 of the Atomic
9 Energy Defense Act (50 U.S.C. 2652) is amended—

10 (1) by striking “national laboratory” each place
11 it appears and inserting “national security labora-
12 tory”; and

13 (2) in subsection (g), by striking paragraphs
14 (3) and (4).

15 (l) BACKGROUND INVESTIGATIONS.—Section 4503 of
16 the Atomic Energy Defense Act (50 U.S.C. 2653) is
17 amended—

18 (1) by striking “(a) IN GENERAL.—”;

19 (2) by striking subsections (b) and (c); and

20 (3) by striking “national laboratory” and in-
21 serting “national security laboratory”.

22 (m) SECURITY FUNCTIONS REPORT.—Section 4506
23 of the Atomic Energy Defense Act (50 U.S.C. 2657) is
24 amended—

25 (1) by striking “(a) IN GENERAL.—”; and

1 (2) by striking subsection (b).

2 (n) COUNTERINTELLIGENCE REPORT.—Section 4507
3 of the Atomic Energy Defense Act (50 U.S.C. 2658) is
4 amended—

5 (1) by striking “national laboratories” each
6 place it appears and inserting “national security labo-
7 ratories”; and

8 (2) by striking subsection (c).

9 (o) COMPUTER SECURITY REPORT.—Section 4508 of
10 the Atomic Energy Defense Act (50 U.S.C. 2659)—

11 (1) in subsection (a), by striking “national labo-
12 ratories” and inserting “national security labora-
13 tories”; and

14 (2) by striking subsections (e) and (f).

15 (p) DOCUMENT REVIEW.—Section 4521 of the Atom-
16 ic Energy Defense Act (50 U.S.C. 2671) is amended by
17 striking subsection (e).

18 (q) REPORTS ON LOCAL IMPACT ASSISTANCE.—

19 (1) IN GENERAL.—Section 4604(f) of the
20 Atomic Energy Defense Act (50 U.S.C. 2704(f)) is
21 amended by adding at the end the following new
22 paragraph:

23 “(3) In addition to the plans submitted under para-
24 graph (1), the Secretary of Energy shall submit to Con-
25 gress every six months a report setting forth a description

1 of, and the amount or value of, all local impact assistance
2 provided during the preceding six months under sub-
3 section (c)(6).”.

4 (2) CONFORMING AMENDMENT.—Section 4851
5 of the Atomic Energy Defense Act (50 U.S.C. 2821)
6 is repealed.

7 (3) CLERICAL AMENDMENT.—The table of con-
8 tents at the beginning of the Atomic Energy Defense
9 Act is amended by striking the item relating to sec-
10 tion 4851.

11 (r) RECRUITMENT AND TRAINING.—Section 4622 of
12 the Atomic Energy Defense Act (50 U.S.C. 2722) is
13 amended—

14 (1) in subsection (b)—

15 (A) by striking “(1) As part of” and in-
16 serting “As part of”; and

17 (B) by striking paragraph (2); and

18 (2) by striking subsection (d).

19 (s) FELLOWSHIP PROGRAM.—

20 (1) IN GENERAL.—Section 4623 of the Atomic
21 Energy Defense Act (50 U.S.C. 2723) is amended—

22 (A) in the heading, by striking “**DEPART-**
23 **MENT OF ENERGY NUCLEAR WEAPONS**
24 **COMPLEX**” and inserting “**NUCLEAR SECU-**
25 **RITY ENTERPRISE**”;

1 (B) by striking “Department of Energy
2 nuclear weapons complex” each place it appears
3 and inserting “nuclear security enterprise”;

4 (C) in subsection (c), by striking “fol-
5 lowing” and all that follows through the period
6 at the end and inserting “national security lab-
7 oratories and nuclear weapon production facili-
8 ties.”; and

9 (D) in subsection (f)(2), by striking “the
10 Department of Energy for” and inserting “the
11 nuclear security enterprise for”.

12 (2) CLERICAL AMENDMENT.—The table of con-
13 tents at the beginning of the Atomic Energy Defense
14 Act is amended by striking the item relating to sec-
15 tion 4623 and inserting the following new item:

“Sec. 4623. Fellowship program for development of skills critical to the nuclear
security enterprise.”.

16 (t) COST OVERRUNS.—Section 4713(a)(1)(A) of the
17 Atomic Energy Defense Act (50 U.S.C. 2753(a)(1)(A)) is
18 amended—

19 (1) by striking “for Nuclear Security”; and

20 (2) by striking “National Nuclear Security”.

21 (u) BUDGET REQUEST.—

22 (1) IN GENERAL.—Section 4731 of the Atomic
23 Energy Defense Act (50 U.S.C. 2771) is repealed.

1 (2) CLERICAL AMENDMENT.—The table of con-
2 tents at the beginning of the Atomic Energy Defense
3 Act is amended by striking the item relating to sec-
4 tion 4731.

5 (v) CONTRACTOR BONUSES.—Section 4802 of the
6 Atomic Energy Defense Act (50 U.S.C. 2782) is amend-
7 ed—

8 (2) by striking subsection (b); and

9 (3) by redesignating subsections (c) and (d) as
10 subsections (b) and (c), respectively.

11 (w) FUNDS FOR RESEARCH AND DEVELOPMENT.—
12 Section 4812 of the Atomic Energy Defense Act (50
13 U.S.C. 2792) is amended—

14 (1) by striking subsections (b) through (d); and

15 (2) by redesignating subsection (e) as sub-
16 section (b).

17 (x) TECHNOLOGY PARTNERSHIPS.—Section 4813(c)
18 of the Atomic Energy Defense Act (50 U.S.C. 2794(c))
19 is amended by striking paragraph (5).

20 (y) UNIVERSITY COLLABORATION.—Section 4814 of
21 the Atomic Energy Defense Act (50 U.S.C. 2795) is
22 amended by striking subsection (c).

23 (z) ENGINEERING AND MANUFACTURING RE-
24 SEARCH.—Section 4832 of the Atomic Energy Defense

1 Act (50 U.S.C. 2812) is amended by striking subsections
2 (c) through (e).

3 (aa) PILOT PROGRAM REPORT.—Section 4833 of the
4 Atomic Energy Defense Act (50 U.S.C. 2813) is amended
5 by striking subsection (e).

6 (bb) TECHNICAL AMENDMENTS.—The Atomic En-
7 ergy Defense Act (50 U.S.C. 2501 et seq.) is amended
8 as follows:

9 (1) By striking “Nevada Test Site” each place
10 it appears and inserting “Nevada National Security
11 Site”.

12 (2) By striking “Director of Central Intel-
13 ligence” each place it appears and inserting “Direc-
14 tor of National Intelligence”.

15 **SEC. 3132. IMPROVEMENTS TO THE NATIONAL NUCLEAR**
16 **SECURITY ADMINISTRATION ACT.**

17 (a) NUCLEAR SECURITY ENTERPRISE REF-
18 ERENCE.—

19 (1) FUTURE-YEARS NUCLEAR SECURITY PRO-
20 GRAM.—Section 3253 of the National Nuclear Secu-
21 rity Administration Act (50 U.S.C. 2453) is amend-
22 ed by striking “nuclear weapons complex” each place
23 it appears and inserting “nuclear security enter-
24 prise”.

1 (2) GAO REPORTS.—Section 3255 of the Na-
2 tional Nuclear Security Administration Act (50
3 U.S.C. 2455) is amended—

4 (A) by striking “nuclear security complex”
5 each place it appears and inserting “nuclear se-
6 curity enterprise”; and

7 (B) in subsection (b), by striking para-
8 graph (3).

9 (3) DEFINITION.—Section 3281 of the National
10 Nuclear Security Administration Act (50 U.S.C.
11 2471) is amended by adding at the end the following
12 new paragraph:

13 “(6) The term ‘nuclear security enterprise’
14 means the physical facilities, technology, and human
15 capital of the national security laboratories and the
16 nuclear weapons production facilities.”.

17 (b) TRANSFER OF FUNCTIONS.—

18 (1) NEW TRANSFERS.—

19 (A) IN GENERAL.—Section 3291 of the
20 National Nuclear Security Administration Act
21 (50 U.S.C. 2481) is amended to read as fol-
22 lows:

23 **“SEC. 3291. TRANSFER OF FUNCTIONS.**

24 “(a) AUTHORITY TO TRANSFER FUNCTIONS.—The
25 Secretary of Energy may transfer to the Administrator

1 any facility, mission, or function of the Department of En-
2 ergy that the Secretary, in consultation with the Adminis-
3 trator and Congress, determines to be consistent with the
4 mission of the Administration.

5 “(b) ENVIRONMENTAL REMEDIATION AND WASTE
6 MANAGEMENT ACTIVITIES.—In the case of any environ-
7 mental remediation and waste management activity of any
8 element of the Administration, the Secretary of Energy
9 may determine to transfer responsibility for that activity
10 to another element of the Department of Energy.

11 “(c) TRANSFER OF FUNDS.—(1) Any balance of ap-
12 propriations that the Secretary of Energy determines is
13 available and needed to finance or discharge a function,
14 power, or duty or an activity that is transferred to the
15 Administration shall be transferred to the Administration
16 and used for any purpose for which those appropriations
17 were originally available. Balances of appropriations so
18 transferred shall—

19 “(A) be credited to any applicable appropriation
20 account of the Administration; or

21 “(B) be credited to a new account that may be
22 established on the books of the Department of the
23 Treasury;

24 and shall be merged with the funds already credited
25 to that account and accounted for as one fund.

1 “(2) Balances of appropriations credited to an ac-
2 count under paragraph (1)(A) are subject only to such
3 limitations as are specifically applicable to that account.
4 Balances of appropriations credited to an account under
5 paragraph (1)(B) are subject only to such limitations as
6 are applicable to the appropriations from which they are
7 transferred.

8 “(d) PERSONNEL.—(1) With respect to any function,
9 power, or duty or activity of the Department of Energy
10 that is transferred to the Administration, those employees
11 of the element of the Department of Energy from which
12 the transfer is made that the Secretary of Energy deter-
13 mines are needed to perform that function, power, or duty,
14 or for that activity, as the case may be, shall be trans-
15 ferred to the Administration.

16 “(2) The authorized strength in civilian employees of
17 any element of the Department of Energy from which em-
18 ployees are transferred under this section is reduced by
19 the number of employees so transferred.”.

20 (B) CLERICAL AMENDMENT.—The table of
21 contents at the beginning of the National Nu-
22 clear Security Administration Act is amended
23 by striking the item relating to section 3291
24 and inserting the following new item:

“Sec. 3291. Transfer of Functions.”.

1 (2) APPLICABILITY OF EXISTING LAWS AND
2 REGULATIONS.—Section 3296 of the National Nu-
3 clear Security Administration Act (50 U.S.C. 2484)
4 is amended to read as follows:

5 **“SEC. 3296. APPLICABILITY OF PREEXISTING LAWS AND**
6 **REGULATIONS.**

7 “With respect to any facility, mission, or function of
8 the Department of Energy that the Secretary of Energy
9 transfers to the Administrator under section 3291, unless
10 otherwise provided in this title, all provisions of law and
11 regulations in effect immediately before the date of the
12 transfer that are applicable to such facility, mission, or
13 functions shall continue to apply to the corresponding
14 functions of the Administration.”.

15 (3) RULE OF CONSTRUCTION.—Nothing in sec-
16 tion 3291 of the National Nuclear Security Adminis-
17 tration Act (50 U.S.C. 2481), as amended by para-
18 graph (1), may be construed to affect any function
19 or activity transferred by the Secretary of Energy to
20 the Administrator for Nuclear Security before the
21 date of the enactment of this Act.

22 (c) REPEAL OF EXPIRED PROVISIONS.—

23 (1) IN GENERAL.—The following sections of the
24 National Nuclear Security Administration Act (50
25 U.S.C. 2401 et seq.) are repealed:

1 (A) Section 3242 (50 U.S.C. 2442).

2 (B) Section 3292 (50 U.S.C. 2482).

3 (C) Section 3295 (50 U.S.C. 2483).

4 (D) Section 3297 (50 U.S.C. 2401 note).

5 (2) CLERICAL AMENDMENTS.—The table of
6 contents at the beginning of the National Nuclear
7 Security Administration Act is amended by striking
8 the item relating to sections 3242, 3292, 3295, and
9 3297.

10 (d) TECHNICAL AMENDMENTS TO THE NNSA
11 ACT.—The National Nuclear Security Administration Act
12 (50 U.S.C. 2401 et seq.) is amended as follows:

13 (1) In section 3212(a)(2) (50 U.S.C. 2402), by
14 striking “as added by section 3202 of this Act,”.

15 (2) In section 3253(b)(3) (50 U.S.C.
16 2453(b)(3)), by striking “section 3158 of the Strom
17 Thurmond National Defense Authorization Act for
18 Fiscal Year 1999 (42 U.S.C. 2121 note)” and in-
19 serting “section 4202(a) of the Atomic Energy De-
20 fense Act (50 U.S.C. 2522(a))”.

21 (3) In section 3281(2) (50 U.S.C. 2471(2))—

22 (A) in subparagraph (C), by striking “Y-
23 12 Plant” and inserting “Y-12 National Secu-
24 rity Complex”; and

1 (B) in subparagraph (D), by striking “trit-
2 ium operations facilities at the”.

3 (4) By striking “Nevada Test Site” each place
4 it appears and inserting “Nevada National Security
5 Site”.

6 (e) TECHNICAL AMENDMENT TO THE DOE ORGANI-
7 ZATION ACT.—Section 643 of the Department of Energy
8 Organization Act (42 U.S.C. 7253) is amended by redesi-
9 gnating the second subsection (b) as subsection (c).

10 **SEC. 3133. CLARIFICATION OF THE ROLE OF THE ADMINIS-**
11 **TRATOR FOR NUCLEAR SECURITY.**

12 (a) ROLE UNDER NNSA ACT.—

13 (1) FUNCTION.—Section 3212 of the National
14 Nuclear Security Administration Act (50 U.S.C.
15 2402(b)) is amended—

16 (A) in subsection (b), by striking “all pro-
17 grams and activities of the Administration” and
18 inserting “all programs, policies, regulations,
19 and rules of the Administration”; and

20 (B) in subsection (d), by striking “, unless
21 disapproved by the Secretary of Energy.” and
22 inserting “to carry out the mission and func-
23 tions of the Administration, except as provided
24 by section 3219.”.

25 (2) ROLE OF THE SECRETARY OF ENERGY.—

1 (A) IN GENERAL.—Section 3219 of the
2 National Nuclear Security Administration Act
3 (50 U.S.C. 2409) is amended to read as fol-
4 lows:

5 **“SEC. 3219. SCOPE OF AUTHORITY OF SECRETARY OF EN-**
6 **ERGY REGARDING THE ADMINISTRATION.**

7 “(a) IN GENERAL.—(1) The Secretary of Energy
8 may disapprove any action, policy, regulation, or rule of
9 the Administrator if—

10 “(A) the Secretary submits to the congressional
11 defense committees justification for such dis-
12 approval; and

13 “(B) a period of 15 days has elapsed following
14 the date on which such justification was submitted.

15 “(2) Nothing in this title may be construed to provide
16 authority to the Secretary of Energy to administer, en-
17 force, or oversee the activities under this title except—

18 “(A) as provided by paragraph (1); or

19 “(B) to the extent otherwise specifically pro-
20 vided by law.

21 “(3) Except as provided by this section, the Adminis-
22 trator shall have complete authority to establish and con-
23 duct oversight of policies, activities, and procedures of the
24 Administration without direction or oversight by the Sec-
25 retary of Energy.

1 “(4) The authority of the Secretary under paragraph
2 (1) may be delegated only to the Deputy Secretary of En-
3 ergy, without further redelegation.

4 “(b) LIMITATION ON TRANSFER.—Notwithstanding
5 the authority granted by section 643 of the Department
6 of Energy Organization Act (42 U.S.C. 7253) or any other
7 provision of law, the Secretary of Energy may not estab-
8 lish, abolish, alter, consolidate, or discontinue any organi-
9 zational unit or component, or transfer any function, of
10 the Administration, except as authorized by section
11 3291.”.

12 (B) CLERICAL AMENDMENT.—The table of
13 contents at the beginning of the National Nu-
14 clear Security Administration Act is amended
15 by striking the item relating to section 3219
16 and inserting the following new item:

“Sec. 3219. Scope of Authority of Secretary of Energy regarding the Adminis-
tration.”.

17 (C) DEPARTMENT OF ENERGY ORGANIZA-
18 TION ACT.—Section 202(c)(3) of the Depart-
19 ment of Energy Organization Act (42 U.S.C.
20 7132(c)(3)) is amended to read as follows:

21 “(3) The Under Secretary for Nuclear Security shall
22 serve as the Administrator for Nuclear Security under sec-
23 tion 3212 of the National Nuclear Security Administration
24 Act (50 U.S.C. 2402). In carrying out the functions of

1 the Administrator, the Under Secretary shall be subject
2 to the authority of the Secretary of Energy in accordance
3 with section 3219 of such Act (50 U.S.C. 2409).”.

4 (3) STATUS OF ADMINISTRATION AND CON-
5 TRACTOR PERSONNEL.—Section 3220 of the Na-
6 tional Nuclear Security Administration Act (50
7 U.S.C. 2410) is amended—

8 (A) in subsection (a)—

9 (i) in paragraph (1)—

10 (I) by striking subparagraph (A);

11 and

12 (II) by redesignating subpara-
13 graph (B) and (C) as subparagraph
14 (A) and (B), respectively;

15 (ii) in paragraph (2), by striking “any
16 other officer, employee, or agent of the De-
17 partment of Energy” and inserting “any
18 officer, employee, or agent of the Depart-
19 ment of Energy, except as provided by sec-
20 tion 3219”; and

21 (B) in subsection (b), by striking “except
22 for” and all that follows through the period and
23 inserting “except as provided by section 3219.”.

24 (4) OFFICE OF DEFENSE NUCLEAR SECU-
25 RITY.—Section 3232 of the National Nuclear Secu-

1 rity Administration Act (50 U.S.C. 2422) is amend-
2 ed to read as follows:

3 **“SEC. 3232. OFFICE OF DEFENSE NUCLEAR SECURITY.**

4 “(a) ESTABLISHMENT.—There is within the Admin-
5 istration an Office of Defense Nuclear Security, headed
6 by a Chief appointed by the Administrator.

7 “(b) CHIEF OF DEFENSE NUCLEAR SECURITY.—(1)
8 The head of the Office of Defense Nuclear Security is the
9 Chief of Defense Nuclear Security, who shall report to the
10 Administrator and shall implement the security policies di-
11 rected by the Administrator.

12 “(2) The Chief shall be responsible for the develop-
13 ment and implementation of security programs and poli-
14 cies for the Administration, including the protection, con-
15 trol, and accounting of materials, and for the physical and
16 cyber security for all facilities of the Administration.”.

17 (5) COUNTERINTELLIGENCE PROGRAMS.—Sec-
18 tion 3233 of the National Nuclear Security Adminis-
19 tration Act (50 U.S.C. 2423) is amended in each of
20 subsections (a) and (b) by striking “The Secretary
21 of Energy shall” and inserting “The Secretary of
22 Energy, in coordination with the Administrator,
23 shall”.

24 (6) BUDGET TREATMENT.—Section 3251(a) of
25 the National Nuclear Security Administration Act

1 (50 U.S.C. 2451(a)) is amended by striking “within
2 the other amounts requested for the Department of
3 Energy” and inserting “from the amounts requested
4 for any other agency, including the Department of
5 Energy”.

6 (7) FUTURE-YEARS NUCLEAR SECURITY PRO-
7 GRAM.—Section 3253(b)(6) of the National Nuclear
8 Security Administration Act (50 U.S.C. 2453(b)(6))
9 is amended by striking “, developed in consultation
10 with the Director of the Office of Health, Safety,
11 and Security of the Department of Energy,”.

12 (b) ROLE UNDER THE AEDA.—

13 (1) STOCKPILE STEWARDSHIP.—Section
14 4201(a) of the Atomic Energy Defense Act (50
15 U.S.C. 2521(a)) is amended by striking “The Sec-
16 retary of Energy, acting through the Administrator
17 for Nuclear Security,” and inserting “The Adminis-
18 trator”.

19 (2) REPORT ON STOCKPILE STEWARDSHIP.—
20 Section 4202 of the Atomic Energy Defense Act (50
21 U.S.C. 2522) is amended—

22 (A) in subsection (a)—

23 (i) by striking “The Secretary of En-
24 ergy” and inserting “The Administrator”;

25 and

1 (ii) by striking “Department of En-
2 ergy” and inserting “Administration”; and
3 (B) in subsection (b), by striking “The
4 Secretary of Energy” and inserting “The Ad-
5 ministrator”.

6 (3) STOCKPILE MANAGEMENT.—Section 4204
7 of the Atomic Energy Defense Act (50 U.S.C. 2524)
8 is amended—

9 (A) in subsection (a), by striking “The
10 Secretary of Energy, acting through the Admin-
11 istrator for Nuclear Security and” and inserting
12 “The Administrator,”; and

13 (B) in subsection (b), by striking “Sec-
14 retary of Energy” and inserting “Adminis-
15 trator”.

16 (4) ANNUAL ASSESSMENTS.—Section 4205(h)
17 of the Atomic Energy Defense Act (50 U.S.C.
18 2525(h)) is amended to read as follows:

19 “(h) SECRETARY CONCERNED DEFINED.—In this
20 section, the term ‘Secretary concerned’ means—

21 “(1) the Secretary of Energy, with respect to
22 matters concerning the Administration; and

23 “(2) the Secretary of Defense, with respect to
24 matters concerning the Department of Defense.”.

1 (5) NUCLEAR TEST BAN READINESS PRO-
2 GRAM.—Section 4207 of the Atomic Energy Defense
3 Act (50 U.S.C. 2527) is amended—

4 (A) in subsection (b), by striking “Sec-
5 retary of Energy” and inserting “Adminis-
6 trator”; and

7 (B) in subsection (d), by striking “Sec-
8 retary of Energy” and inserting “Adminis-
9 trator”.

10 (6) SPECIFIC REQUEST REQUIREMENT.—Sec-
11 tion 4209 of the Atomic Energy Defense Act (50
12 U.S.C. 2529) is amended—

13 (A) in subsection (a)(1)—

14 (i) by striking “ after fiscal year 2002
15 in which the Secretary of Energy” and in-
16 serting “in which the Administrator”; and

17 (ii) by striking “the Secretary shall”
18 and inserting “the Administrator shall”;
19 and

20 (B) in subsection (b), by striking “Sec-
21 retary shall” and inserting “Administrator
22 shall”.

23 (7) MANUFACTURING INFRASTRUCTURE.—Sec-
24 tion 4212(a)(1) of the Atomic Energy Defense Act

1 (50 U.S.C. 2532(a)(1)) is amended by striking “Sec-
2 retary of Energy” and inserting “Administrator”.

3 (8) PLAN FOR TRANSFORMATION.—Section
4 4214 of the Atomic Energy Defense Act (50 U.S.C.
5 2534), as amended by section 3131(g)(1), is amend-
6 ed by striking “Secretary of Energy” each place it
7 appears and inserting “Administrator”.

8 (9) NUCLEAR MATERIALS PROTECTION, CON-
9 TROL, AND ACCOUNTING.—Section 4303(a) of the
10 Atomic Energy Defense Act (50 U.S.C. 2563(a)) is
11 amended—

12 (A) by striking “Secretary of Energy” and
13 inserting “Administrator”; and

14 (B) by striking “Department of Energy”
15 and inserting “Administration”.

16 (10) TRITIUM PRODUCTION PROGRAM.—Section
17 4231 of the Atomic Energy Defense Act (50 U.S.C.
18 2541), as amended by section 3131(h), is amend-
19 ed—

20 (A) by striking “Secretary” each place it
21 appears and inserting “Administrator”; and

22 (B) in subsection (b), by striking “Depart-
23 ment of Energy” and inserting “Administra-
24 tion”.

1 (11) TRITIUM RECYCLING FACILITIES.—Section
2 4234 of the Atomic Energy Defense Act (50 U.S.C.
3 2544), as amended by section 3131(i), is amended
4 by striking “Secretary” and inserting “Adminis-
5 trator”.

6 (12) CERTAIN FISSILE MATERIALS PROGRAM.—
7 Section 4305 of the Atomic Energy Defense Act (50
8 U.S.C. 2565) is amended by striking “Secretary of
9 Energy” and inserting “Administrator”.

10 (13) FISSILE MATERIALS MANAGEMENT
11 PLAN.—Section 4403(a)(1) of the Atomic Energy
12 Defense Act (50 U.S.C. 2583(a)(1)) is amended by
13 striking “the Office of Defense Programs” and in-
14 serting “the Administration”.

15 (14) RESTRICTED DATA.—Section 4501(a) of
16 the Atomic Energy Defense Act (50 U.S.C. 2651(a))
17 is amended by striking “The Secretary of Energy”
18 and inserting “The Administrator”.

19 (15) BACKGROUND INVESTIGATIONS.—Section
20 4503 of the Atomic Energy Defense Act (50 U.S.C.
21 2653), as amended by section 3131(l), is amended
22 by striking “The Secretary of Energy” and inserting
23 “The Administrator”.

1 (16) COUNTERINTELLIGENCE FAILURES.—Sec-
2 tion 4505 of the Atomic Energy Defense Act (50
3 U.S.C. 2656) is amended—

4 (A) by striking “Secretary of Energy” each
5 place it appears and inserting “Administrator”;

6 (B) by striking “Secretary” each place it
7 appears and inserting “Administrator”;

8 (C) by striking “Department of Energy”
9 each place it appears and inserting “Adminis-
10 tration”; and

11 (D) by striking “Department” each place
12 it appears and inserting “Administration”.

13 (17) SECURITY FUNCTIONS REPORT.—Section
14 4506 of the Atomic Energy Defense Act (50 U.S.C.
15 2657), as amended by section 3131(m), is amended
16 by striking “the Secretary of Energy” and inserting
17 “the Administrator”.

18 (18) COUNTERINTELLIGENCE REPORT.—Sec-
19 tion 4507(a) of the Atomic Energy Defense Act (50
20 U.S.C. 2658(a)) is amended by striking “Secretary
21 of Energy” and inserting “Administrator”.

22 (19) COMPUTER SECURITY REPORT.—Section
23 4508 of the Atomic Energy Defense Act (50 U.S.C.
24 2659) is amended—

1 (A) in subsection (c), by striking “Sec-
2 retary of Energy” each place it appears and in-
3 serting “Administrator”; and

4 (B) in subsection (d), by striking “Sec-
5 retary” each place it appears and inserting
6 “Administrator”.

7 (20) DOCUMENT REVIEW.—Section 4521 of the
8 Atomic Energy Defense Act (50 U.S.C. 2671) is
9 amended—

10 (A) in subsection (a)—

11 (i) by striking “Secretary of Energy”
12 and inserting “Administrator”;

13 (ii) by striking “Department of En-
14 ergy” and inserting “Administration”; and

15 (B) in subsection (b), by striking “Sec-
16 retary” each place it appears and inserting
17 “Administrator”.

18 (21) MANAGEMENT TRAINING.—

19 (A) IN GENERAL.—Section 4621 of the
20 Atomic Energy Defense Act (50 U.S.C. 2721)
21 is amended—

22 (i) in the heading, by inserting “**AND**
23 **NATIONAL NUCLEAR SECURITY AD-**
24 **MINISTRATION**” after “**ENERGY**”;

25 (ii) in subsection (a)—

1 (I) by striking “Secretary of En-
2 ergy” and inserting “Under Secretary
3 of Energy for Nuclear Security”; and

4 (II) by inserting “and the Ad-
5 ministration” after “the Department
6 of Energy”; and

7 (iii) in subsection (b)(1), by inserting
8 “and Administration” after “Department
9 of Energy”.

10 (B) CLERICAL AMENDMENT.—The table of
11 contents at the beginning of the Atomic Energy
12 Defense Act is amended by striking the item re-
13 lating to section 4621 and inserting the fol-
14 lowing new item:

“Sec. 4621. Executive management training in the Department of Energy and
National Nuclear Security Administration.”.

15 (22) RECRUITMENT AND TRAINING.—Section
16 4622 of the Atomic Energy Defense Act (50 U.S.C.
17 2722) is amended—

18 (A) in subsection (a), by striking “the Sec-
19 retary of Energy” and inserting “the Adminis-
20 trator”; and

21 (B) in subsection (c), by striking “Sec-
22 retary” and inserting “Administrator”.

1 (23) FELLOWSHIP PROGRAM.—Section 4623 of
2 the Atomic Energy Defense Act (50 U.S.C. 2723) is
3 amended—

4 (A) by striking “Secretary of Energy” each
5 place it appears and inserting “Administrator”;

6 (B) by striking “Secretary” each place it
7 appears and inserting “Administrator;”;

8 (C) in subsection (b)(1), by striking “De-
9 partment of Energy” and inserting “Adminis-
10 tration”; and

11 (D) in subsection (e), by striking “, in con-
12 sultation with the Assistant Secretary of En-
13 ergy for Defense Programs,”.

14 (24) TRANSFER OF WEAPONS FUNDS.—Section
15 4711 of the Atomic Energy Defense Act (50 U.S.C.
16 2751) is amended—

17 (A) in subsection (a), by striking “Sec-
18 retary of Energy” and inserting “Adminis-
19 trator”;

20 (B) in subsection (d), by striking “Sec-
21 retary, acting through the Administrator for
22 Nuclear Security,” and inserting “Adminis-
23 trator”; and

24 (C) in subsection (e)—

25 (i) in paragraph (1)—

1 (I) by striking “Department of
2 Energy” and inserting “Administra-
3 tion”; and

4 (II) by striking “Department”
5 and inserting “Administration”; and

6 (ii) in paragraph (2), by inserting “or
7 the Administration” after “Department of
8 Energy”.

9 (25) COST OVERRUNS.—Section 4713 of the
10 Atomic Energy Defense Act (50 U.S.C. 2753) is
11 amended—

12 (A) in subsection (a)(2)—

13 (i) in subparagraph (A)—

14 (I) by striking “Secretary of En-
15 ergy” and inserting “Administrator”;
16 and

17 (II) in clause (ii), by striking
18 “Department” and inserting “Admin-
19 istration”; and

20 (ii) in subparagraph (B), by striking
21 “Secretary” and inserting “Adminis-
22 trator”; and

23 (B) in subsection (c)(2)(B), by inserting
24 “or the Administration” after “Department of
25 Energy”.

1 (26) PENALTIES.—Section 4721(a) of the
2 Atomic Energy Defense Act (50 U.S.C. 2761(a)) is
3 amended by striking “the Department of Energy for
4 the Naval Nuclear Propulsion Program” and insert-
5 ing “the Administration for the Naval Nuclear Reac-
6 tor Program”.

7 (27) RESEARCH AND DEVELOPMENT.—Section
8 4811 of the Atomic Energy Defense Act (50 U.S.C.
9 2791) is amended—

10 (A) in subsection (a), by inserting “and
11 the Administration” after “Department of En-
12 ergy”;

13 (B) in subsection (b)—

14 (i) by striking “The Secretary” and
15 inserting “(1) Except as provided by para-
16 graph (2), the Secretary”; and

17 (ii) by adding at the end the following
18 new paragraph:

19 “(2) With respect to the conduct of laboratory-di-
20 rected research and development at laboratories of the Ad-
21 ministration, the Administrator shall prescribe regulations
22 for such conduct and oversee such regulations.”; and

23 (C) in subsection (c), by inserting “or the
24 Administrator” after “the Secretary”.

1 (28) FUNDS FOR RESEARCH AND DEVELOP-
2 MENT.—Subsection (a)(1) of section 4812 of the
3 Atomic Energy Defense Act (50 U.S.C. 2792(a)(1))
4 is amended—

5 (A) by striking “the Department of Energy
6 in” and inserting “the Administration in”;

7 (B) by striking “under the Department of
8 Energy”; and inserting “under the”;

9 (C) by striking “any Department of En-
10 ergy” and inserting “any”; and

11 (D) by striking “mission of the Depart-
12 ment of Energy” and inserting “mission of the
13 Administration”.

14 **SEC. 3134. CONSOLIDATED REPORTING REQUIREMENTS**
15 **RELATING TO NUCLEAR STOCKPILE STEW-**
16 **ARDSHIP, MANAGEMENT, AND INFRASTRUC-**
17 **TURE.**

18 (a) CONSOLIDATED PLAN FOR STEWARDSHIP, MAN-
19 AGEMENT, AND CERTIFICATION OF WARHEADS IN THE
20 NUCLEAR WEAPONS STOCKPILE.—

21 (1) IN GENERAL.—Section 4203 of the Atomic
22 Energy Defense Act (50 U.S.C. 2523) is amended to
23 read as follows:

1 **“SEC. 4203. NUCLEAR WEAPONS STOCKPILE STEWARDSHIP,**
2 **MANAGEMENT, AND INFRASTRUCTURE PLAN.**

3 “(a) **PLAN REQUIREMENT.**—The Administrator, in
4 consultation with the Secretary of Defense and other ap-
5 propriate officials of the departments and agencies of the
6 Federal Government, shall develop and annually update
7 a plan for sustaining the nuclear weapons stockpile. The
8 plan shall cover, at a minimum, stockpile stewardship,
9 stockpile management, stockpile surveillance, program di-
10 rection, infrastructure modernization, human capital, and
11 nuclear test readiness. The plan shall be consistent with
12 the programmatic and technical requirements of the most
13 recent annual Nuclear Weapons Stockpile Memorandum.

14 “(b) **SUBMISSIONS TO CONGRESS.**—(1) In accord-
15 ance with subsection (c), not later than March 15 of each
16 even-numbered year, the Administrator shall submit to the
17 congressional defense committees a summary of the plan
18 developed under subsection (a).

19 “(2) In accordance with subsection (d), not later than
20 March 15 of each odd-numbered year, the Administrator
21 shall submit to the congressional defense committees a de-
22 tailed report on the plan developed under subsection (a).

23 “(3) The summaries and reports required by this sub-
24 section shall be submitted in unclassified form, but may
25 include a classified annex.

1 “(c) ELEMENTS OF BIENNIAL PLAN SUMMARY.—

2 Each summary of the plan submitted under subsection

3 (b)(1) shall include, at a minimum, the following:

4 “(1) A summary of the status of the nuclear
5 weapons stockpile, including the number and age of
6 warheads (including both active and inactive) for
7 each warhead type.

8 “(2) A summary of the status, plans, budgets,
9 and schedules for warhead life extension programs
10 and any other programs to modify, update, or re-
11 place warhead types.

12 “(3) A summary of the methods and informa-
13 tion used to determine that the nuclear weapons
14 stockpile is safe and reliable, as well as the relation-
15 ship of science-based tools to the collection and in-
16 terpretation of such information.

17 “(4) A summary of the status of the nuclear se-
18 curity enterprise, including programs and plans for
19 infrastructure modernization and retention of human
20 capital, as well as associated budgets and schedules.

21 “(5) A summary of the status of achieving the
22 purposes of the program established under section
23 4207(b).

1 “(6) Identification of any modifications or up-
2 dates to the plan since the previous summary or de-
3 tailed report was submitted under subsection (b).

4 “(7) Such other information as the Adminis-
5 trator considers appropriate.

6 “(d) ELEMENTS OF BIENNIAL DETAILED REPORT.—
7 Each detailed report on the plan submitted under sub-
8 section (b)(2) shall include, at a minimum, the following:

9 “(1) With respect to stockpile stewardship and
10 management—

11 “(A) the status of the nuclear weapons
12 stockpile, including the number and age of war-
13 heads (including both active and inactive) for
14 each warhead type;

15 “(B) for each five-year period occurring
16 during the period beginning on the date of the
17 report and ending on the date that is 20 years
18 after the date of the report—

19 “(i) the planned number of nuclear
20 warheads (including active and inactive)
21 for each warhead type in the nuclear weap-
22 ons stockpile; and

23 “(ii) the past and projected future
24 total lifecycle cost of each type of nuclear
25 weapon;

1 “(C) the status, plans, budgets, and sched-
2 ules for warhead life extension programs and
3 any other programs to modify, update, or re-
4 place warhead types;

5 “(D) a description of the process by which
6 the Administrator assesses the lifetimes, and re-
7 quirements for life extension or replacement, of
8 the nuclear and non-nuclear components of the
9 warheads (including active and inactive war-
10 heads) in the nuclear weapons stockpile;

11 “(E) a description of the process used in
12 recertifying the safety, security, and reliability
13 of each warhead type in the nuclear weapons
14 stockpile;

15 “(F) any concerns of the Administrator
16 which would affect the ability of the Adminis-
17 trator to recertify the safety, security, or reli-
18 ability of warheads in the nuclear weapons
19 stockpile (including active and inactive war-
20 heads);

21 “(G) mechanisms to provide for the manu-
22 facture, maintenance, and modernization of
23 each warhead type in the nuclear weapons
24 stockpile, as needed;

1 “(H) mechanisms to expedite the collection
2 of information necessary for carrying out the
3 stockpile management program required by sec-
4 tion 4204, including information relating to the
5 aging of materials and components, new manu-
6 facturing techniques, and the replacement or
7 substitution of materials;

8 “(I) mechanisms to ensure the appropriate
9 assignment of roles and missions for each na-
10 tional security laboratory and nuclear weapons
11 production facility, including mechanisms for
12 allocation of workload, mechanisms to ensure
13 the carrying out of appropriate modernization
14 activities, and mechanisms to ensure the reten-
15 tion of skilled personnel;

16 “(J) mechanisms to ensure that each na-
17 tional security laboratory has full and complete
18 access to all weapons data to enable a rigorous
19 peer-review process to support the annual as-
20 sessment of the condition of the nuclear weap-
21 ons stockpile required under section 4205;

22 “(K) mechanisms for allocating funds for
23 activities under the stockpile management pro-
24 gram required by section 4204, including allo-

1 cations of funds by weapon type and facility;
2 and

3 “(L) for each of the five fiscal years fol-
4 lowing the fiscal year in which the report is
5 submitted, an identification of the funds needed
6 to carry out the program required under section
7 4204.

8 “(2) With respect to science-based tools—

9 “(A) a description of the information need-
10 ed to determine that the nuclear weapons stock-
11 pile is safe and reliable;

12 “(B) for each science-based tool used to
13 collect information described in subparagraph
14 (A), the relationship between such tool and
15 such information and the effectiveness of such
16 tool in providing such information based on the
17 criteria developed pursuant to section 4202(a);
18 and

19 “(C) the criteria developed under section
20 4202(a) (including any updates to such cri-
21 teria).

22 “(3) An assessment of the stockpile stewardship
23 program under section 4201 by the Administrator,
24 in consultation with the directors of the national se-
25 curity laboratories, which shall set forth—

1 “(A) an identification and description of—

2 “(i) any key technical challenges to
3 the stockpile stewardship program; and

4 “(ii) the strategies to address such
5 challenges without the use of nuclear test-
6 ing;

7 “(B) a strategy for using the science-based
8 tools (including advanced simulation and com-
9 puting capabilities) of each national security
10 laboratory to ensure that the nuclear weapons
11 stockpile is safe, secure, and reliable without
12 the use of nuclear testing.

13 “(C) an assessment of the science-based
14 tools (including advanced simulation and com-
15 puting capabilities) of each national security
16 laboratory that exist at the time of the assess-
17 ment compared with the science-based tools ex-
18 pected to exist during the period covered by the
19 future-years nuclear security program; and

20 “(D) an assessment of the core scientific
21 and technical competencies required to achieve
22 the objectives of the stockpile stewardship pro-
23 gram and other weapons activities and weap-
24 ons-related activities of the Administration, in-
25 cluding—

1 “(i) the number of scientists, engi-
2 neers, and technicians, by discipline, re-
3 quired to maintain such competencies; and

4 “(ii) a description of any shortage of
5 such individuals that exists at the time of
6 the assessment compared with any short-
7 age expected to exist during the period cov-
8 ered by the future-years nuclear security
9 program.

10 “(4) With respect to the nuclear security infra-
11 structure—

12 “(A) a description of the modernization
13 and refurbishment measures the Administrator
14 determines necessary to meet the requirements
15 prescribed in—

16 “(i) the national security strategy of
17 the United States as set forth in the most
18 recent national security strategy report of
19 the President under section 108 of the Na-
20 tional Security Act of 1947 (50 U.S.C.
21 404a) if such strategy has been submitted
22 as of the date of the plan;

23 “(ii) the most recent quadrennial de-
24 fense review if such strategy has not been
25 submitted as of the date of the plan; and

1 “(iii) the most recent nuclear posture
2 review as of the date of the plan;

3 “(B) a schedule for implementing the
4 measures described under subparagraph (A)
5 during the 10-year period following the date of
6 the plan; and

7 “(C) the estimated levels of annual funds
8 the Administrator determines necessary to
9 carry out the measures described under sub-
10 paragraph (A), including a discussion of the cri-
11 teria, evidence, and strategies on which such es-
12 timated levels of annual funds are based.

13 “(5) With respect to the nuclear test readiness
14 of the United States—

15 “(A) an estimate of the period of time that
16 would be necessary for the Administrator to
17 conduct an underground test of a nuclear weap-
18 on once directed by the President to conduct
19 such a test;

20 “(B) a description of the level of test read-
21 iness that the Administrator, in consultation
22 with the Secretary of Defense, determines to be
23 appropriate;

24 “(C) a list and description of the workforce
25 skills and capabilities that are essential to car-

1 rying out an underground nuclear test at the
2 Nevada National Security Site;

3 “(D) a list and description of the infra-
4 structure and physical plants that are essential
5 to carrying out an underground nuclear test at
6 the Nevada National Security Site; and

7 “(E) an assessment of the readiness status
8 of the skills and capabilities described in sub-
9 paragraph (C) and the infrastructure and phys-
10 ical plants described in subparagraph (D).

11 “(6) With respect to the program established
12 under section 4207(b), a description of the progress
13 made to the date of the report in achieving the pur-
14 poses of such program.

15 “(7) Identification of any modifications or up-
16 dates to the plan since the previous summary or de-
17 tailed report was submitted under subsection (b).

18 “(e) NUCLEAR WEAPONS COUNCIL ASSESSMENT.—

19 (1) For each detailed report on the plan submitted under
20 subsection (b)(2), the Nuclear Weapons Council estab-
21 lished by section 179 of title 10, United States Code, shall
22 conduct an assessment that includes the following:

23 “(A) An analysis of the plan, including—

24 “(i) whether the plan supports the require-
25 ments of the national security strategy of the

1 United States or the most recent quadrennial
2 defense review, as applicable under subsection
3 (d)(4)(A), and the Nuclear Posture Review; and

4 “(ii) whether the modernization and refurbishment
5 measures described under subparagraph (A) of paragraph (4) and the schedule
6 described under subparagraph (B) of such
7 paragraph are adequate to support such re-
8 quirements.
9

10 “(B) An analysis of whether the plan ade-
11 quately addresses the requirements for infrastruc-
12 ture recapitalization of the facilities of the nuclear
13 security enterprise.

14 “(C) If the Nuclear Weapons Council deter-
15 mines that the plan does not adequately support
16 modernization and refurbishment requirements
17 under subparagraph (A) or the nuclear security en-
18 terprise facilities infrastructure recapitalization re-
19 quirements under subparagraph (B), a risk assess-
20 ment with respect to—

21 “(i) supporting the annual certification of
22 the nuclear weapons stockpile; and

23 “(ii) maintaining the long-term safety, se-
24 curity, and reliability of the nuclear weapons
25 stockpile.

1 “(2) Not later than 180 days after the date on which
2 the Administrator submits the plan under subsection
3 (b)(2), the Nuclear Weapons Council shall submit to the
4 congressional defense committees a report detailing the as-
5 sessment required under paragraph (1).

6 “(f) DEFINITIONS.—In this section:

7 “(1) The term ‘budget’, with respect to a fiscal
8 year, means the budget for that fiscal year that is
9 submitted to Congress by the President under sec-
10 tion 1105(a) of title 31, United States Code.

11 “(2) The term ‘future-years nuclear security
12 program’ means the program required by section
13 3253 of the National Nuclear Security Administra-
14 tion Act (50 U.S.C. 2453).

15 “(3) The term ‘nuclear security budget mate-
16 rials’, with respect to a fiscal year, means the mate-
17 rials submitted to Congress by the Administrator for
18 the National Nuclear Security Administration in
19 support of the budget for that fiscal year.

20 “(4) The term ‘quadrennial defense review’
21 means the review of the defense programs and poli-
22 cies of the United States that is carried out every
23 four years under section 118 of title 10, United
24 States Code.

1 “(5) The term ‘weapons activities’ means each
2 activity within the budget category of weapons ac-
3 tivities in the budget of the National Nuclear Secu-
4 rity Administration.

5 “(6) The term ‘weapons-related activities’
6 means each activity under the Department of En-
7 ergy that involves nuclear weapons, nuclear weapons
8 technology, or fissile or radioactive materials, includ-
9 ing activities related to—

10 “(A) nuclear nonproliferation;

11 “(B) nuclear forensics;

12 “(C) nuclear intelligence;

13 “(D) nuclear safety; and

14 “(E) nuclear incident response.”.

15 (2) CLERICAL AMENDMENT.—The table of con-
16 tents for the Atomic Energy Defense Act is amended
17 by striking the item relating to section 4203 and in-
18 serting the following new item:

“Sec. 4203. Nuclear weapons stockpile stewardship, management, and infra-
structure plan.”.

19 (b) REPEAL OF REQUIREMENT FOR BIENNIAL RE-
20 PORT ON STOCKPILE STEWARDSHIP CRITERIA.—

21 (1) IN GENERAL.—Section 4202 of the Atomic
22 Energy Defense Act (50 U.S.C. 2522) is amended
23 by striking subsections (c) and (d).

1 (2) TECHNICAL AMENDMENT.—The heading of
2 such section is amended to read as follows:
3 **“STOCKPILE STEWARDSHIP CRITERIA”**.

4 (3) CLERICAL AMENDMENT.—The table of con-
5 tents for the Atomic Energy Defense Act is amended
6 by striking the item relating to section 4202 and in-
7 serting the following new item:

“Sec. 4202. Stockpile stewardship criteria.”.

8 (c) REPEAL OF REQUIREMENT FOR BIENNIAL PLAN
9 ON MODERNIZATION AND REFURBISHMENT OF THE NU-
10 CLEAR SECURITY COMPLEX.—Section 4203A of the
11 Atomic Energy Defense Act (50 U.S.C. 2523A) is re-
12 pealed.

13 (d) REPEAL OF REQUIREMENT FOR ANNUAL UP-
14 DATE TO STOCKPILE MANAGEMENT PROGRAM PLAN.—
15 Section 4204 of the Atomic Energy Defense Act (50
16 U.S.C. 2524) is amended—

17 (1) by striking subsections (c) and (d); and

18 (2) by redesignating subsection (e) as sub-
19 section (c).

20 (e) NUCLEAR TEST BAN READINESS PROGRAM.—
21 Section 4207 of the Atomic Energy Defense Act (50
22 U.S.C. 2527) is amended by striking subsection (e).

23 (f) REPEAL OF REQUIREMENT FOR REPORTS ON NU-
24 CLEAR TEST READINESS.—

25 (1) AEDA.—

1 (A) IN GENERAL.—Section 4208 of the
2 Atomic Energy Defense Act (50 U.S.C. 2528)
3 is repealed.

4 (B) CLERICAL AMENDMENT.—The table of
5 contents for the Atomic Energy Defense Act is
6 amended by striking the item relating to section
7 4208.

8 (2) NDAA FISCAL YEAR 1996.—Section 3152 of
9 the National Defense Authorization Act for Fiscal
10 Year 1996 (Public Law 104–106; 110 Stat. 623) is
11 repealed.

12 **SEC. 3135. REPEAL OF CERTAIN REPORTING REQUIRE-**
13 **MENTS.**

14 (a) GAO ENVIRONMENTAL MANAGEMENT RE-
15 PORTS.—Section 3134 of the National Defense Authoriza-
16 tion Act for Fiscal Year 2010 (Public Law 111–84; 123
17 Stat. 2713) is amended—

18 (1) in subsection (c)—

19 (A) in paragraph (1), by striking “The
20 Comptroller” and all that follows through
21 “(2),” and inserting “Beginning on the date on
22 which the report under subsection (b)(2) is sub-
23 mitted, the Comptroller General shall conduct a
24 review”;

25 (B) by striking paragraph (2);

1 (C) by redesignating paragraph (3) as
2 paragraph (2); and

3 (D) in paragraph (2), as so redesignated,
4 by striking “the end of the period described in
5 paragraph (2)” and inserting “August 30,
6 2012”; and

7 (2) in subsection (d)—

8 (A) in paragraph (1), by striking “sub-
9 section (c)(3)” and inserting “subsection
10 (c)(2)”; and

11 (B) in paragraph (2), by striking “90
12 days” and all that follows through “(c)(3)” and
13 inserting “April 30, 2016, or the date that is
14 210 days after the date on which all American
15 Recovery and Reinvestment Act funds have
16 been obligated or expended (or are no longer
17 available to be obligated or expended), which-
18 ever is earlier”.

19 (b) WORKFORCE RESTRUCTURING PLAN UP-
20 DATES.—

21 (1) IN GENERAL.—Section 4604 of the Atomic
22 Energy Defense Act (50 U.S.C. 2704), as amended
23 by section 3131(q)(1), is amended—

24 (A) in subsection (b)(1), by striking “and
25 any updates of the plan under subsection (e)”;

1 (B) by striking subsection (e);
 2 (C) in subsection (f)—
 3 (i) by striking paragraph (2); and
 4 (ii) by redesignating paragraph (3), as
 5 added by such section 3131(q)(1), as para-
 6 graph (2); and
 7 (D) by redesignating subsections (f) and
 8 (g) as subsections (e) and (f), respectively.

9 (2) CONFORMING AMENDMENT.—Section
 10 4643(d)(1) of the Atomic Energy Defense Act (50
 11 U.S.C. 2733(d)(1)) is amended by striking “section
 12 4604(g)” and inserting “section 4604(f)”.

13 (c) UNCLASSIFIED CONTROLLED NUCLEAR INFOR-
 14 MATION QUARTERLY REPORT.—Section 148 of the Atom-
 15 ic Energy Act of 1954 (42 U.S.C. 2168) is amended by
 16 striking subsection e.

17 **Subtitle D—Reports**

18 **SEC. 3141. NOTIFICATION OF NUCLEAR CRITICALITY AND**
 19 **NON-NUCLEAR INCIDENTS.**

20 (a) NOTIFICATION.—

21 (1) IN GENERAL.—The Atomic Energy Defense
 22 Act (50 U.S.C. 2501 et seq.) is amended by adding
 23 after section 4645, as added by section 3151, the
 24 following new section:

1 **“SEC. 4646. NOTIFICATION OF NUCLEAR CRITICALITY AND**
2 **NON-NUCLEAR INCIDENTS.**

3 “(a) NOTIFICATION.—The Secretary of Energy and
4 the Administrator, as the case may be, shall submit to
5 the appropriate congressional committees a notification of
6 a nuclear criticality incident resulting from a covered pro-
7 gram that results in an injury or fatality or results in the
8 shut-down, or partial shut-down, of a covered facility by
9 not later than 15 days after the date of such incident.

10 “(b) ELEMENTS OF NOTIFICATION.—Each notifica-
11 tion submitted under subsection (a) shall include the fol-
12 lowing:

13 “(1) A description of the incident, including the
14 cause of the incident.

15 “(2) In the case of a criticality incident, wheth-
16 er the incident caused a facility, or part of a facility,
17 to be shut-down.

18 “(3) The affect, if any, on the mission of the
19 Administration or the Office of Environmental Man-
20 agement of the Department of Energy.

21 “(4) Any corrective action taken in response to
22 the incident.

23 “(c) DATABASE.—(1) The Secretary and the Admin-
24 istrator shall each maintain a record of incidents described
25 in paragraph (2).

1 “(2) An incident described in this paragraph is any
2 of the following incidents resulting from a covered pro-
3 gram:

4 “(A) A nuclear criticality incident that results
5 in an injury or fatality or results in the shut-down,
6 or partial shut-down, of a covered facility.

7 “(B) A non-nuclear incident that results in seri-
8 ous bodily injury or fatality at a covered facility.

9 “(d) COOPERATION.—In carrying out this section,
10 the Secretary and the Administrator shall ensure that
11 each management and operating contractor of a covered
12 facility cooperates in a timely manner.

13 “(e) DEFINITIONS.—In this section:

14 “(1) The term ‘appropriate congressional com-
15 mittees’ means—

16 “(A) the congressional defense committees;
17 and

18 “(B) the Committee on Energy and Com-
19 merce of the House of Representatives and the
20 Committee on Energy and Natural Resources of
21 the Senate.

22 “(2) The term ‘covered facility’ means—

23 “(A) a facility of the nuclear security en-
24 terprise; and

1 “(B) a facility conducting activities for the
2 defense environmental cleanup program of the
3 Office of Environmental Management of the
4 Department of Energy.

5 “(3) The term ‘covered program’ means—

6 “(A) programs of the Administration; and

7 “(B) defense environmental cleanup pro-
8 grams of the Office of Environmental Manage-
9 ment of the Department of Energy.”.

10 (2) CLERICAL AMENDMENT.—The table of con-
11 tents at the beginning of the Atomic Energy Defense
12 Act is amended by inserting after the item relating
13 to section 4645 the following new item:

“Sec. 4646. Notification of nuclear criticality and non-nuclear incidents.”.

14 (b) REPORT.—

15 (1) IN GENERAL.—Not later than 90 days after
16 the date of the enactment of this Act, the Secretary
17 of Energy and the Administrator for Nuclear Secu-
18 rity shall each submit to the appropriate congress-
19 sional committees a report detailing any incidents
20 described in paragraph (2) that occurred during the
21 10-year period before the date of the report.

22 (2) INCIDENTS DESCRIBED.—An incident de-
23 scribed in this paragraph is any of the following inci-
24 dents that occurred as a result of programs of the
25 National Nuclear Security Administration or defense

1 environmental cleanup programs of the Office of En-
2 vironmental Management of the Department of En-
3 ergy:

4 (A) A nuclear criticality incident that re-
5 sulted in an injury or fatality or resulted in the
6 shut-down, or partial shut-down, of a facility of
7 the nuclear security enterprise or a facility con-
8 ducting activities for such defense environ-
9 mental cleanup programs.

10 (B) A non-nuclear incident that results in
11 serious bodily injury or fatality at such a facil-
12 ity.

13 (3) APPROPRIATE CONGRESSIONAL COMMIT-
14 TEES.—In this subsection, the term “appropriate
15 congressional committees” means—

16 (A) the congressional defense committees;

17 and

18 (B) the Committee on Energy and Com-
19 merce of the House of Representatives and the
20 Committee on Energy and Natural Resources of
21 the Senate.

22 **SEC. 3142. REPORTS ON LIFETIME EXTENSION PROGRAMS.**

23 (a) PROTOTYPES.—The Atomic Energy Defense Act
24 (50 U.S.C. 2501 et seq.) is amended by inserting after
25 section 4214 the following new section:

1 **“SEC. 4215. REPORTS ON LIFETIME EXTENSION PROGRAMS.**

2 “(a) **REPORTS REQUIRED.**—Before proceeding be-
3 yond phase 6.2 activities with respect to any lifetime ex-
4 tension program, the director of the national security lab-
5 oratory responsible for such program shall submit to the
6 congressional defense committees a report on the lifetime
7 extension option selected for such program, including—

8 “(1) whether such option selected is refurbish-
9 ment, reuse, or replacement; and

10 “(2) why such option was selected, including an
11 assessment of the advantages and disadvantages of
12 the two options not selected.

13 “(b) **PHASE 6.2 ACTIVITIES DEFINED.**—In this sec-
14 tion, the term ‘phase 6.2 activities’ means, with respect
15 to a lifetime extension program, the phase 6.2 feasibility
16 study and option down-select.”.

17 (b) **CLERICAL AMENDMENT.**—The table of contents
18 at the beginning of the Atomic Energy Defense Act is
19 amended by inserting after the item relating to section
20 4214 the following new item:

“Sec. 4215. Reports on lifetime extension programs.”.

21 **SEC. 3143. NATIONAL ACADEMY OF SCIENCES STUDY ON**
22 **PEER REVIEW AND DESIGN COMPETITION**
23 **RELATED TO NUCLEAR WEAPONS.**

24 (a) **STUDY.**—Not later than 60 days after the date
25 of the enactment of this Act, the Administrator for Nu-

1 clear Security shall enter into an agreement with the Na-
2 tional Academy of Sciences to conduct a study of peer re-
3 view and design competition related to nuclear weapons.

4 (b) ELEMENTS.—The study required by subsection
5 (a) shall include an assessment of—

6 (1) the quality and effectiveness of peer review
7 of designs, development plans, engineering and sci-
8 entific activities, and priorities related to both nu-
9 clear and non-nuclear aspects of nuclear weapons;

10 (2) incentives for effective peer review;

11 (3) the potential effectiveness, efficiency, and
12 cost of alternative methods of conducting peer review
13 and design competition related to both nuclear and
14 non-nuclear aspects of nuclear weapons, as com-
15 pared to current methods;

16 (4) the known instances where current peer re-
17 view practices and design competition succeeded or
18 failed to find problems or potential problems; and

19 (5) such other matters related to peer review
20 and design competition related to nuclear weapons
21 as the Administrator considers appropriate.

22 (c) COOPERATION AND ACCESS TO INFORMATION
23 AND PERSONNEL.—The Administrator shall ensure that
24 the National Academy of Sciences receives full and timely
25 cooperation, including full access to information and per-

1 sonnel, from the National Nuclear Security Administra-
2 tion and the management and operating contractors of the
3 Administration for the purposes of conducting the study
4 under subsection (a).

5 (d) REPORT.—

6 (1) IN GENERAL.—The National Academy of
7 Sciences shall submit to the Administrator a report
8 containing the results of the study conducted under
9 subsection (a) and any recommendations resulting
10 from the study.

11 (2) SUBMITTAL TO CONGRESS.—Not later than
12 December 15, 2014, the Administrator shall submit
13 to the Committees on Armed Services of the House
14 of Representatives and Senate the report submitted
15 under paragraph (1) and any comments or rec-
16 ommendations of the Administrator with respect to
17 the report.

18 (3) FORM.—The report submitted under para-
19 graph (1) shall be in unclassified form, but may in-
20 clude a classified annex.

21 **SEC. 3144. REPORT ON DEFENSE NUCLEAR NON-**
22 **PROLIFERATION PROGRAMS.**

23 (a) REPORT REQUIRED.—

24 (1) IN GENERAL.—Not later than March 1 of
25 each year from 2013 through 2015, the Adminis-

1 trator for Nuclear Security shall submit to the ap-
2 propriate congressional committees a report on the
3 budget, objectives, and metrics of the defense nu-
4 clear nonproliferation programs of the National Nu-
5 clear Security Administration.

6 (2) ELEMENTS.—The report required by para-
7 graph (1) shall include the following:

8 (A) An identification and explanation of
9 uncommitted balances that are more than the
10 acceptable carryover thresholds, as determined
11 by the Secretary of Energy, on a program-by-
12 program basis.

13 (B) An identification of foreign countries
14 that are sharing the cost of implementing de-
15 fense nuclear nonproliferation programs, includ-
16 ing an explanation of such cost sharing.

17 (C) A description of objectives and meas-
18 urements for each defense nuclear nonprolifera-
19 tion program.

20 (D) A description of the proliferation of
21 nuclear weapons threat and how each defense
22 nuclear nonproliferation program activity
23 counters the threat.

24 (E) A description and assessment of non-
25 proliferation activities coordinated with the De-

1 partment of Defense to maximize efficiency and
2 avoid redundancies.

3 (F) A description of how the defense nu-
4 clear nonproliferation programs are prioritized
5 to meet the most urgent nonproliferation re-
6 quirements.

7 (b) APPROPRIATE CONGRESSIONAL COMMITTEES
8 DEFINED.—In this section, the term “appropriate con-
9 gressional committees” means—

10 (1) the Committee on Armed Services and the
11 Committee on Foreign Affairs of the House of Rep-
12 resentatives; and

13 (2) the Committee on Armed Services and the
14 Committee on Foreign Relations of the Senate.

15 (c) FORM.—The report required by subsection (a)(1)
16 shall be submitted in unclassified form, but may include
17 a classified annex.

18 **SEC. 3145. STUDY ON REUSE OF PLUTONIUM PITS.**

19 (a) STUDY.—Not later than 120 days after the date
20 of the enactment of this Act, the Administrator for Nu-
21 clear Security shall submit to the congressional defense
22 committees a study of plutonium pits, including—

23 (1) the availability of plutonium pits—

24 (A) as of the date of the report; and

1 (B) after such date as a result of the dis-
2 mantlement of nuclear weapons; and

3 (2) an assessment of the potential for reusing
4 plutonium pits in future life extension programs.

5 (b) MATTERS INCLUDED.—The study submitted
6 under subsection (a) shall include the following:

7 (1) The feasibility and practicability of potential
8 full or partial reuse options with respect to pluto-
9 nium pits.

10 (2) The benefits and risks of reusing plutonium
11 pits.

12 (3) The potential costs and cost savings of such
13 reuse.

14 (4) The effects of such reuse on the require-
15 ments for plutonium pit manufacturing.

16 **SEC. 3146. STUDY ON A MULTI-AGENCY GOVERNANCE**
17 **MODEL FOR NATIONAL SECURITY LABORA-**
18 **TORIES.**

19 (a) INDEPENDENT ASSESSMENT.—

20 (1) IN GENERAL.—The Administrator for Nu-
21 clear Security shall commission an independent as-
22 sessment regarding the transition of the national se-
23 curity laboratories to multi-agency federally funded
24 research and development centers with direct
25 sustainment and sponsorship by multiple national

1 security agencies. The assessment shall be conducted
2 by an independent, non-governmental institute which
3 is described in section 501(c)(3) of the Internal Rev-
4 enue Code of 1986 and exempt from tax under sec-
5 tion 501(a) of such Code, and has recognized cre-
6 dentials and expertise in national security science
7 and engineering laboratories and with ready access
8 to policy experts throughout the United States.

9 (2) BACKGROUND MATERIAL.—The assessment
10 shall leverage previous studies, including—

11 (A) the report published in 2009 by the
12 Stimson Center titled “Leveraging Science for
13 Security: A Strategy for the Nuclear Weapons
14 Laboratories in the 21st Century”; and

15 (B) the Phase 1 report published in 2012
16 by the National Academy of Sciences titled
17 “Managing for High-Quality Science and Engi-
18 neering at the NNSA National Security labora-
19 tories”.

20 (3) ELEMENTS.—The assessment conducted
21 pursuant to paragraph (1) shall include the fol-
22 lowing elements:

23 (A) An assessment of a new governance
24 structure that—

1 (i) gives multiple national security
2 agencies, including the Department of De-
3 fense, the Department of Homeland Secu-
4 rity, the Department of Energy, and the
5 intelligence community, direct sponsorship
6 of the national security laboratories as fed-
7 erally funded research and development
8 centers so that such agencies have more di-
9 rect and rapid access to the assets avail-
10 able at the laboratories and the responsi-
11 bility to provide sustainable support for the
12 science and technology needs of the agen-
13 cies at the laboratories;

14 (ii) reduces costs to the Federal Gov-
15 ernment for the use of the resources of the
16 laboratories, while enhancing the steward-
17 ship of these national resources and maxi-
18 mizing their service to the nation;

19 (iii) enhances the overall quality of
20 the scientific research and engineering ca-
21 pability of the laboratories, including their
22 ability to recruit and retain top scientists
23 and engineers; and

24 (iv) maintains as paramount the capa-
25 bilities required to support the nuclear

1 stockpile stewardship and related nuclear
2 missions.

3 (B) A recommendation as to which, if any,
4 other laboratories associated with any national
5 security agency should be included in the new
6 governance structure.

7 (C) Options for implementing the new gov-
8 ernance structure that minimize disruption of
9 performance and costs to the government while
10 rapidly achieving anticipated gains.

11 (D) Legislative changes and executive ac-
12 tions that would need to be made in order to
13 implement the new governance structure.

14 (b) REPORT.—

15 (1) IN GENERAL.—Not later than January 1,
16 2014, the designated private entity shall submit to
17 the Administrator and the congressional defense
18 committees a report that contains the findings of the
19 assessment.

20 (2) FORM.—The report under paragraph (1)
21 shall be submitted in unclassified form, but may in-
22 clude a classified annex.

23 (c) DEFINITION.—In this section, the term “national
24 security laboratory” has the meaning given that term in

1 section 3281 of the National Nuclear Security Administra-
2 tion Act (50 U.S.C. 2471).

3 **Subtitle E—Other Matters**

4 **SEC. 3151. USE OF PROBABILISTIC RISK ASSESSMENT TO**
5 **ENSURE NUCLEAR SAFETY.**

6 (a) IN GENERAL.—The Atomic Energy Defense Act
7 (50 U.S.C. 2501 et seq.) is amended by adding after sec-
8 tion 4644 the following new section:

9 **“SEC. 4645. USE OF PROBABILISTIC RISK ASSESSMENT TO**
10 **ENSURE NUCLEAR SAFETY OF FACILITIES OF**
11 **THE ADMINISTRATION AND THE OFFICE OF**
12 **ENVIRONMENTAL MANAGEMENT.**

13 “(a) NUCLEAR SAFETY AT NNSA AND DOE FACILI-
14 TIES.—The Administrator and the Secretary of Energy
15 shall ensure that the methods for assessing, certifying,
16 and overseeing nuclear safety at the facilities specified in
17 subsection (b) use national and international standards
18 and nuclear industry best practices, including probabilistic
19 or quantitative risk assessment if sufficient data exists.

20 “(b) FACILITIES SPECIFIED.—Subsection (a) shall
21 apply—

22 “(1) to the Administrator with respect to the
23 national security laboratories and the nuclear weap-
24 ons production facilities; and

1 take any action against, or otherwise constrain, a director
2 of a national security laboratory or a nuclear weapons pro-
3 duction facility, a member of the Joint Nuclear Weapons
4 Council, or the Commander of United States Strategic
5 Command from presenting the professional views of the
6 individual to the President, the National Security Council,
7 or Congress regarding—

8 “(1) the safety, security, reliability, or credi-
9 bility of the nuclear weapons stockpile and nuclear
10 forces; or

11 “(2) the status of, and plans for, the capabili-
12 ties and infrastructure that support and sustain the
13 nuclear weapons stockpile and nuclear forces.”; and

14 (B) by redesignating subsection (g) as sub-
15 section (h); and

16 (C) by inserting after subsection (f) the
17 following new subsection (g):

18 “(g) DELIVERY OF CLASSIFIED INFORMATION TO
19 CONGRESS.—(1) The directors of the national security
20 laboratories, the directors of the nuclear weapons produc-
21 tion facilities, the members of the Joint Nuclear Weapons
22 Council, and the Commander of the United States Stra-
23 tegic Command are each authorized to provide directly to
24 Congress classified information with respect to matters de-
25 scribed by paragraph (1) or (2) of subsection (f).

1 “(2) The Administrator and Secretary of Defense
2 shall ensure that direct classified mail channels are estab-
3 lished between the national security laboratories, nuclear
4 weapons production facilities, members of the Joint Nu-
5 clear Weapons Council, the United States Strategic Com-
6 mand, and the congressional defense committees to carry
7 out this subsection.”.

8 (b) CONFORMING AMENDMENT.—Section 4215 of the
9 Atomic Energy Defense Act, as added by subsection (a),
10 is amended—

11 (1) by striking “nuclear weapons laboratories”
12 each place it appears and inserting “national secu-
13 rity laboratories”;

14 (2) by striking “nuclear weapons laboratory”
15 each place it appears and inserting “national secu-
16 rity laboratory”;

17 (3) by striking “nuclear weapons production
18 plants” each place it appears and inserting “nuclear
19 weapons production facilities”;

20 (4) by striking “nuclear weapons production
21 plant” each place it appears and inserting “nuclear
22 weapons production facility”; and

23 (5) by amending subsection (h), as redesignated
24 by subsection (a)(4)(B), to read as follows:

1 “(h) REPRESENTATIVE OF THE PRESIDENT DE-
2 FINED.—In this section, the term ‘representative of the
3 President’ means the following:

4 “(1) Any official of the Department of Defense
5 or the Department of Energy who is appointed by
6 the President and confirmed by the Senate.

7 “(2) Any member or official of the National Se-
8 curity Council.

9 “(3) Any member or official of the Joint Chiefs
10 of Staff.

11 “(4) Any official of the Office of Management
12 and Budget.”.

13 (c) CLERICAL AMENDMENT.—The table of contents
14 at the beginning of the Atomic Energy Defense Act is
15 amended by inserting after the item relating to section
16 4215 the following new item:

“Sec. 4216. Advice to President and Congress regarding safety, security, and
reliability of United States nuclear weapons stockpile.”.

17 **SEC. 3153. CLASSIFICATION OF CERTAIN RESTRICTED**
18 **DATA.**

19 Section 142 of the Atomic Energy Act of 1954 (42
20 U.S.C. 2162) is amended—

21 (1) in subsection d.—

22 (A) by inserting “(1)” before “The Com-
23 mission”; and

24 (B) by adding at the end the following:

1 “(2) The Commission may restore to the Restricted
2 Data category information related to the design of nuclear
3 weapons (in this subsection referred to as ‘design informa-
4 tion’) removed under paragraph (1) if the Commission and
5 the Department of Defense jointly determines that—

6 “(A) the programmatic requirements that
7 caused the design information to be removed from
8 the Restricted Data category are no longer applica-
9 ble or have diminished;

10 “(B) the design information would be more ap-
11 propriately protected as Restricted Data; and

12 “(C) restoring the design information to the
13 Restricted Data category is in the interest of na-
14 tional security.

15 “(3) In carrying out paragraph (2), design informa-
16 tion shall be restored to the Restricted Data category in
17 accordance with regulations implemented pursuant to this
18 section.”; and

19 (2) in subsection e.—

20 (A) by inserting “(1)” before “The Com-
21 mission”;

22 (B) by striking “Central” and inserting
23 “National”; and

24 (C) by adding at the end the following:

1 “(2) The Commission may restore to the Restricted
2 Data category information related to foreign nuclear pro-
3 grams (in this subsection referred to as ‘foreign nuclear
4 information’) removed under paragraph (1) if the Com-
5 mission and the Director of National Intelligence jointly
6 determine that—

7 “(A) the programmatic requirements that
8 caused the foreign nuclear information to be re-
9 moved from the Restricted Data category are no
10 longer applicable or have diminished;

11 “(B) the foreign nuclear information would be
12 more appropriately protected as Restricted Data;
13 and

14 “(C) restoring the foreign nuclear information
15 to the Restricted Data category is in the interest of
16 national security.

17 “(3) In carrying out paragraph (2), foreign nuclear
18 information shall be restored to the Restricted Data cat-
19 egory in accordance with regulations implemented pursu-
20 ant to this section.”.

21 **SEC. 3154. INDEPENDENT COST ASSESSMENTS FOR LIFE**
22 **EXTENSION PROGRAMS, NEW NUCLEAR FA-**
23 **CILITIES, AND OTHER MATTERS.**

24 (a) **COST ASSESSMENT.**—To inform the decisions
25 made by the Nuclear Weapons Council established by sec-

1 tion 179 of title 10, United States Code, the Secretary
2 of Defense, acting through the Director of Cost Assess-
3 ment and Program Evaluation and in coordination with
4 the Administrator for Nuclear Security, shall assess the
5 cost of options and alternatives for—

6 (1) new nuclear weapon life extension pro-
7 grams; and

8 (2) new nuclear facilities within the nuclear se-
9 curity enterprise that are estimated to cost more
10 than \$500,000,000.

11 (b) REPORT.—Not later than 30 days after the date
12 on which each assessment conducted under subsection (a)
13 is completed, the Administrator for Nuclear Security and
14 the Secretary of Defense shall jointly submit to the con-
15 gressional defense committees a report containing the re-
16 sults of such assessment.

17 (c) FORM.—The report required under subsection (b)
18 shall be submitted in unclassified form, but may include
19 a classified annex.

20 (d) AUTHORITY FOR FURTHER ASSESSMENTS.—
21 Upon the request of the Administrator for Nuclear Secu-
22 rity, the Secretary of Defense, acting through the Director
23 of Cost Assessment and Program Evaluation and in con-
24 sultation with the Administrator, may conduct a cost as-
25 sessment of any initiative of the National Nuclear Security

1 Administration that is estimated to cost more than
2 \$500,000,000.

3 **SEC. 3155. ASSESSMENT OF NUCLEAR WEAPON PIT PRO-**
4 **DUCTION REQUIREMENT.**

5 (a) ASSESSMENT.—The Secretary of Defense and the
6 Secretary of Energy, in coordination with the Commander
7 of the United States Strategic Command, shall jointly as-
8 sess the annual plutonium pit production requirement
9 needed to sustain a safe, secure, and reliable nuclear
10 weapon arsenal.

11 (b) REPORTS.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of the enactment of this Act, the Sec-
14 retary of Defense and the Secretary of Energy shall
15 jointly submit to the congressional defense commit-
16 tees a report regarding the assessment conducted
17 under section (a), including—

18 (A) an explanation of the rationale and as-
19 sumptions that led to the current 50 to 80 plu-
20 tonium pit production requirement, including
21 the factors considered in determining such re-
22 quirement;

23 (B) an analysis of whether there are any
24 changes to the current 50 to 80 plutonium pit

1 production requirement, including the reasons
2 for any such changes;

3 (C) the implications for national security,
4 for maintaining the nuclear weapons stockpile
5 (including the impact on options available for
6 life extension programs), and for costs of hav-
7 ing pit production capacity at—

8 (i) 10 to 20 pits per year;

9 (ii) 20 to 30 pits per year;

10 (iii) 30 to 50 pits per year; and

11 (iv) 50 to 80 pits per year; and

12 (D) the implications of various pit produc-
13 tion capacities on the requirements for the nu-
14 clear weapon hedge or reserve forces of the
15 United States.

16 (2) UPDATE.—If the report under paragraph
17 (1) does not incorporate the results of the Nuclear
18 Posture Review Implementation Study, the Sec-
19 retary of Defense and the Secretary of Energy, in
20 coordination with the Commander of the United
21 States Strategic Command, shall jointly submit to
22 the congressional defense committees an update to
23 the report under paragraph (1) that incorporates the
24 results of such study by not later than 90 days after

1 the date on which such committees receive such
2 study.

3 (c) FORM.—The reports under paragraphs (1) and
4 (2) of subsection (b) shall be submitted in unclassified
5 form, but may include a classified annex.

6 **SEC. 3156. INTELLECTUAL PROPERTY RELATED TO URA-**
7 **NIUM ENRICHMENT.**

8 (a) IN GENERAL.—Subject to subsection (b), of the
9 funds authorized to be appropriated by this Act or other-
10 wise made available for fiscal year 2013 for defense nu-
11 clear nonproliferation, the Secretary of Energy may make
12 available not more than \$150,000,000 for the development
13 and demonstration of domestic national-security-related
14 enrichment technologies as provided in subsection (c).

15 (b) CERTIFICATION.—Not later than 30 days before
16 the date on which the Secretary makes an amount avail-
17 able under subsection (a), the Secretary shall submit to
18 the congressional defense committees—

19 (1) written certification that such amount is
20 needed for national security purposes; and

21 (2) a description of such purposes.

22 (c) ADMINISTRATION.—An amount made available by
23 the Secretary under subsection (a) shall be used to pro-
24 vide, directly or indirectly, Federal funds, resources, or
25 other assistance for the research, development, or deploy-

1 ment of domestic national-security-related enrichment
2 technology, subject to the following requirements:

3 (1) The Secretary shall provide such assistance
4 using merit selection procedures.

5 (2) The Secretary may provide such assistance
6 only if the Secretary executes an agreement with the
7 recipient (or any affiliate, successor, or assignee) of
8 such funds, resources, or other assistance (in this
9 section referred to as the “recipient”) that re-
10 quires—

11 (A) the achievement of specific technical
12 criteria by the recipient by specific dates not
13 later than June 30, 2014;

14 (B) that the recipient—

15 (i) immediately upon execution of the
16 agreement, grant to the United States for
17 use by or on behalf of the United States,
18 through the Secretary, a royalty-free, non-
19 exclusive license in all enrichment-related
20 intellectual property and associated tech-
21 nical data owned, licensed, or otherwise
22 controlled by the recipient as of the date of
23 the enactment of this Act, or thereafter de-
24 veloped or acquired to meet the require-
25 ments of the agreement;

1 (ii) amend any existing agreement be-
2 tween the Secretary and the recipient to
3 permit the Secretary to use or permit third
4 parties on behalf of the Secretary to use
5 intellectual property and associated tech-
6 nical data related to the award of funds,
7 resources, or other assistance royalty-free
8 for Government purposes, including com-
9 pleting or operating enrichment tech-
10 nologies and using them for national de-
11 fense purposes, including providing nuclear
12 material to operate commercial nuclear
13 power reactors for tritium production; and

14 (iii) as soon as practicable, deliver to
15 the Secretary all technical information and
16 other documentation in its possession or
17 control necessary to permit the Secretary
18 to use all intellectual property related to
19 domestic enrichment technologies described
20 in this subparagraph; and

21 (C) any other condition or restriction the
22 Secretary determines necessary to protect the
23 interests of the United States.

24 (d) CONTROL OF PROPERTY.—If the Secretary deter-
25 mines that a recipient has not achieved the technical cri-

1 teria required under an agreement under subsection (c)(2)
2 by the date specified pursuant to subparagraph (A) of
3 such subsection, the recipient shall, as soon as practicable,
4 surrender custody, possession, and control, or return, as
5 appropriate, any real or personal property owned or leased
6 by the recipient, to the Secretary in connection with the
7 deployment of enrichment technology, along with all cap-
8 ital improvements, equipment, fixtures, appurtenances,
9 and other improvements thereto, and any further obliga-
10 tion by the Secretary under any such lease shall terminate.

11 (e) APPLICATION OF REQUIREMENTS.—The limita-
12 tions and requirements in this section shall apply to funds
13 authorized to be appropriated by this Act or otherwise
14 made available for fiscal year 2013 or any fiscal year
15 thereafter for the development and demonstration of do-
16 mestic national security-related enrichment technology.

17 (f) EXCEPTION.—Subsections (c) and (d) shall not
18 apply with respect to the issuance of any loan guarantee
19 pursuant to section 1703 of the Energy Policy Act of 2005
20 (42 U.S.C. 16513).

21 **SEC. 3157. SENSE OF CONGRESS ON COMPETITION AND**
22 **FEES RELATED TO THE MANAGEMENT AND**
23 **OPERATING CONTRACTS OF THE NUCLEAR**
24 **SECURITY ENTERPRISE.**

25 It is the sense of Congress that—

1 (1) in the past decade, competition of the man-
2 agement and operating contracts for the national se-
3 curity laboratories has resulted in significant in-
4 creases in fees paid to the contractors—funding that
5 otherwise could be used to support program and
6 mission activities of the National Nuclear Security
7 Administration;

8 (2) competition of the management and oper-
9 ating contracts of the nuclear security enterprise is
10 an important mechanism to help realize cost savings,
11 seek efficiencies, improve performance, and hold con-
12 tractors accountable;

13 (3) when the Administrator for Nuclear Secu-
14 rity considers it appropriate to achieve these goals,
15 the Administrator should conduct competition of
16 these contracts while recognizing the unique nature
17 of federally funded research and development cen-
18 ters; and

19 (4) the Administrator should ensure that fixed
20 fees and performance-based fees contained in man-
21 agement and operating contracts are as low as pos-
22 sible to maintain a focus on national service while
23 attracting high-quality contractors and achieving the
24 goals of the competition.

1 **SEC. 3158. PILOT PROGRAM ON TECHNOLOGY COMMER-**
2 **IALIZATION.**

3 (a) PILOT PROGRAM.—The Secretary of Energy, in
4 consultation with the Technology Transfer Coordinator
5 appointed under section 1001(a) of the Energy Policy Act
6 of 2005 (42 U.S.C. 16391(a)), may carry out a competi-
7 tively awarded pilot program involving one non-profit enti-
8 ty and a national laboratory within the National Nuclear
9 Security Administration for the purpose of accelerating
10 technology transfer from national laboratories to the mar-
11 ketplace.

12 (b) SELECTION OF ENTITY AND NATIONAL LABORA-
13 TORY.—In carrying out a pilot program under subsection
14 (a), the Secretary of Energy and the Technology Transfer
15 Coordinator shall jointly select a non-profit entity and a
16 national laboratory for the purpose of carrying out the
17 pilot program under this section. In making such selec-
18 tions, the Secretary and Coordinator shall consider each
19 of the following:

20 (1) A commitment to participate made by a na-
21 tional laboratory within the National Nuclear Secu-
22 rity Administration being considered for selection.

23 (2) The availability of technologies, licenses, in-
24 tellectual property, and other matters at a national
25 laboratory being considered for selection.

1 (c) PROGRAM ELEMENTS.—The pilot program shall
2 be carried out as follows:

3 (1) Under the pilot program, the Secretary and
4 the Coordinator shall evaluate and validate the per-
5 formance of technology transfer activities at the se-
6 lected laboratory.

7 (2) The pilot program shall involve collabora-
8 tion with other offices and agencies within the De-
9 partment of Energy and the National Nuclear Secu-
10 rity Administration.

11 (3) Under the pilot program, the non-profit en-
12 tity selected to carry out the pilot program shall
13 work to create business startups and increase the
14 number of cooperative research and development
15 agreements and sponsored research projects at the
16 selected laboratory. The non-profit entity shall work
17 with interested businesses in identifying appropriate
18 technologies at the national laboratory and facili-
19 tating the commercialization process.

20 (4) The Secretary of Energy and the Coordi-
21 nator shall use the results of the pilot program as
22 the basis for informing key performance parameters
23 and strategies that could be implemented in various
24 national laboratories across the country.

1 (d) DURATION.—A pilot program carried out under
2 subsection (a) shall be not more than two years in dura-
3 tion.

4 (e) REPORTS.—

5 (1) INITIAL REPORTS.—Not later than one year
6 after the date on which a pilot program under sub-
7 section (a) begins, the Secretary of Energy shall
8 submit to the Committees on Armed Services of the
9 Senate and House of Representatives, the Com-
10 mittee on Science and Technology in the House of
11 Representatives, and the Committee on Commerce,
12 Science and Transportation in the Senate, a report
13 that provides an update on the implementation of
14 the pilot program under this section, including an
15 identification of the selected non-profit entity and
16 national laboratory.

17 (2) FINAL REPORT.—Not later than 90 days
18 after the completion of the pilot program, the Sec-
19 retary shall submit to the Committees on Armed
20 Services of the Senate and House of Representa-
21 tives, the Committee on Science and Technology in
22 the House of Representatives, and the Committee on
23 Commerce, Science and Transportation of the Sen-
24 ate a report on the pilot program, including any
25 findings and recommendations of the Secretary. The

1 non-profit entity shall submit a report detailing its
2 experiences working with the laboratory and submit
3 recommendations for improvement of technology
4 commercialization.

5 (f) DEFINITIONS.—In this section, the term “na-
6 tional laboratory” means—

7 (1) a national laboratory (as defined in section
8 2 of the Energy Policy Act of 2005 (42 U.S.C.
9 15801)); or

10 (2) a national security laboratory (as defined in
11 section 3281 of the National Nuclear Security Ad-
12 ministration Act (50 U.S.C. 2471)).

13 **TITLE XXXII—DEFENSE NU-**
14 **CLEAR FACILITIES SAFETY**
15 **BOARD**

16 **SEC. 3201. AUTHORIZATION.**

17 There is authorized to be appropriated for fiscal year
18 2013 \$31,415,000 for the operation of the Defense Nu-
19 clear Facilities Safety Board under chapter 21 of the
20 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

21 **SEC. 3202. IMPROVEMENTS TO THE DEFENSE NUCLEAR FA-**
22 **CILITIES SAFETY BOARD.**

23 (a) ESTABLISHMENT.—Section 311 of the Atomic
24 Energy Act of 1954 (42 U.S.C. 2286) is amended—

25 (1) in subsection (b)—

1 (A) in paragraph (3), by striking “Energy
2 or any contractor of the Department of En-
3 ergy” and inserting “Energy, the National Nu-
4 clear Security Administration, or any contractor
5 of the Department or Administration”; and

6 (B) by striking paragraph (4);

7 (2) in subsection (c)—

8 (A) in the heading, by striking “AND VICE
9 CHAIRMAN” and inserting “, VICE CHAIRMAN,
10 AND MEMBERS”;

11 (B) in paragraph (2), by striking “The
12 Chairman” and inserting “In accordance with
13 paragraphs (5) and (6), the Chairman”; and

14 (C) by adding at the end the following new
15 paragraphs:

16 “(5) Each member of the Board, including the Chair-
17 man and Vice Chairman, shall—

18 “(A) have equal responsibility and authority in
19 establishing decisions and determining actions of the
20 Board regarding recommendations, budgets, senior
21 staff, hearings and witnesses, investigations, sub-
22 poenas, and setting policies and regulations gov-
23 erning operations of the Board;

1 “(B) have full, simultaneous access to all infor-
2 mation relating to the performance of the Board’s
3 functions, powers, and mission; and

4 “(C) have one vote.

5 “(6) Any member of the Board may propose an indi-
6 vidual to be appointed to a senior staff position of the
7 Board and require a determination by the Board under
8 paragraph (5)(A) on whether such individual shall be ap-
9 pointed.”;

10 (3) in subsection (d)—

11 (A) in paragraph (1), by striking “Except
12 as provided under paragraph (2), the” and in-
13 serting “The”;

14 (B) by striking paragraph (2); and

15 (C) by redesignating paragraph (3) as
16 paragraph (2); and

17 (4) by amending subsection (e) to read as fol-
18 lows:

19 “(e) QUORUM.—(1) Three members of the Board
20 shall constitute a quorum.

21 “(2) A quorum shall be required to take the actions
22 of the Board described in subsection (c)(5)(A).”.

23 (b) MISSION AND FUNCTIONS.—

1 (1) IN GENERAL.—Section 312 of the Atomic
2 Energy Act of 1954 (42 U.S.C. 2286a) is amend-
3 ed—

4 (A) in the heading, by inserting “**MISSION**
5 **AND**” before “**FUNCTIONS**”;

6 (B) by redesignating subsections (a) and
7 (b) as subsections (b) and (c), respectively;

8 (C) by inserting before subsection (b), as
9 so redesignated, the following new subsection

10 (a):

11 “(a) MISSION.—The mission of the Board shall be
12 to provide independent analysis, advice, and recommenda-
13 tions to the Secretary of Energy to ensure the adequate
14 protection of public health and safety at defense nuclear
15 facilities of the Department of Energy. Such analysis, ad-
16 vice, and recommendations shall be based upon risk when-
17 ever sufficient data exists.”;

18 (D) in subsection (b), as so redesignated—

19 (i) in the heading, by striking “IN
20 GENERAL” and inserting “FUNCTIONS”;

21 and

22 (ii) in paragraph (5)—

23 (I) by inserting “, and specifi-
24 cally assess risk (whenever sufficient

1 data exists),” after “shall consider”;
2 and

3 (II) by inserting “, the costs and
4 benefits, and the practicability” after
5 “economic feasibility”.

6 (2) CLERICAL AMENDMENT.—The table of con-
7 tents for the Atomic Energy Act of 1954 is amended
8 by striking the item relating to section 312 and in-
9 serting the following new item:

“Sec. 312. Mission and functions of the board.”.

10 (c) POWERS.—Section 313 of the Atomic Energy Act
11 of 1954 (42 U.S.C. 2286b) is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1), by striking “or a
14 member authorized by the Board”; and

15 (B) in paragraph (2)(A), by striking the
16 first sentence and inserting the following: “Sub-
17 poenas may be issued only with the approval of
18 a majority of the members of the Board and
19 shall be served by any person designated by the
20 Chairman, any member, or any person as other-
21 wise provided by law.”; and

22 (2) in subsection (b), by adding at the end the
23 following new paragraph:

24 “(3) Of the funds appropriated to the Board to carry
25 out this chapter, each member of the Board, other than

1 the Chairman, may employ at least one technical advisor
2 to serve in the immediate office of the member to provide
3 assistance to the member in carrying out the responsibil-
4 ities of the member under this chapter. If employed in the
5 immediate office of a member, such advisor shall report
6 to such member and, notwithstanding section
7 311(c)(2)(A), may not be subject to the appointment, di-
8 rection, or supervision of the Chairman.”; and

9 (3) in subsection (j)(2), by striking “section
10 312(1)” and inserting “section 312(b)(1)”.

11 (d) BOARD RECOMMENDATIONS.—Section 315 of the
12 Atomic Energy Act of 1954 (42 U.S.C. 2286d) is amended
13 to read as follows:

14 **“SEC. 315. BOARD RECOMMENDATIONS.**

15 “(a) DRAFTS AND SUBMISSION OF RECOMMENDA-
16 TIONS.—(1) Subject to subsections (f) and (g), the Board
17 shall submit to the Secretary of Energy a draft of any
18 recommendations under section 312 and any related find-
19 ings, supporting data, and analyses before the date on
20 which such recommendations are finalized.

21 “(2) The Secretary may provide to the Board com-
22 ments on the recommendations not later than 45 days
23 after the date on which the Secretary receives the draft
24 submission of the Board under paragraph (1). The Board
25 may grant, upon request by the Secretary, not more than

1 an additional 30 days for the Secretary to submit com-
2 ments to the Board.

3 “(3) After the period of time in which the Secretary
4 may provide recommendations under paragraph (2)
5 elapses, the Board may publish in the Federal Register
6 either the original or a revised version of the recommenda-
7 tions based on the comments of the Secretary, together
8 with a request for the submission to the Board of public
9 comments on such recommendations. Interested persons
10 shall have 30 days after the date of publication in which
11 to submit comments, data, views, or arguments to the
12 Board concerning the recommendations. The Board shall
13 furnish the Secretary with copies of all comments, data,
14 views, and arguments submitted to it under this para-
15 graph.

16 “(b) DISPOSITION OF RECOMMENDATIONS.—(1) Not
17 later than 60 days after publication of the recommenda-
18 tions under subsection (a)(3), the Secretary of Energy
19 shall publish in the Federal Register and transmit to the
20 Board, in writing, a statement of the final decision of the
21 Secretary with respect to whether the Secretary accepts
22 or rejects, in whole or in part, such recommendations, in-
23 cluding a description of any actions to be taken in re-
24 sponse to the recommendations, any expected schedule,
25 cost, technical, or program impacts of such recommenda-

1 tions, and the views of the Secretary regarding such rec-
2 ommendations. The Board may grant, upon request by the
3 Secretary, not more than an additional 30 days for the
4 Secretary to transmit such statement to the Board.

5 “(2) The Board may hold hearings for the purpose
6 of obtaining public comments on its recommendations and
7 the disposition of such recommendations by the Secretary
8 of Energy.

9 “(c) REJECTION OF RECOMMENDATIONS.—If the
10 Secretary of Energy, in a statement under subsection
11 (b)(1), rejects (in whole or part) any recommendation
12 made by the Board under subsection (a), the Board may
13 transmit to the Secretary and the Committees on Armed
14 Services and Appropriations of the Senate and the House
15 of Representatives a letter describing the views and per-
16 spectives of the Board regarding the Secretary’s dispo-
17 sition of the Board’s recommendations.

18 “(d) IMPLEMENTATION PLAN.—The Secretary of En-
19 ergy shall prepare a plan for the implementation of each
20 Board recommendation, or part of a recommendation, that
21 is accepted by the Secretary in the statement under sub-
22 section (b)(1). Not later than 120 days after the date on
23 which such statement is published, the Secretary shall
24 transmit to the Board such implementation plan. The Sec-
25 retary may implement any such recommendation (or part

1 of any such recommendation) before, on, or after the date
2 on which the Secretary transmits the implementation plan
3 to the Board under this subsection.

4 “(e) IMPLEMENTATION.—(1) Subject to paragraph
5 (2), not later than one year after the date on which the
6 Secretary of Energy transmits an implementation plan
7 with respect to a recommendation (or part thereof) under
8 subsection (d), the Secretary shall carry out and complete
9 the implementation plan. If complete implementation of
10 the plan takes more than one year, the Secretary of En-
11 ergy shall submit a report to the Committees on Armed
12 Services and on Appropriations of the Senate and the
13 House of Representatives setting forth the reasons for the
14 delay and when implementation will be completed.

15 “(2) If the Secretary of Energy determines that the
16 implementation of a Board recommendation (or part
17 thereof) is impracticable because of budgetary consider-
18 ations, or that the implementation would affect the Sec-
19 retary’s ability to meet the annual nuclear weapons stock-
20 pile requirements established pursuant to section 91 of
21 this Act, the Secretary shall submit to the President and
22 the Committees on Armed Services and Appropriations of
23 the Senate and the House of Representatives a report con-
24 taining the recommendation and the Secretary’s deter-
25 mination.

1 “(f) IMMEDIATE OR SEVERE THREAT.—(1) In any
2 case in which the Board determines that a recommenda-
3 tion submitted to the Secretary of Energy under section
4 312 relates to an imminent or severe threat to public
5 health and safety, the Board and the Secretary of Energy
6 shall proceed under this subsection in lieu of subsections
7 (a) and (b).

8 “(2) The Board shall transmit to the President, the
9 Secretary of Defense, and the Secretary of Energy a rec-
10 ommendation relating to an imminent or severe threat to
11 public health and safety. Not later than 15 days after the
12 date on which such recommendation is received, the Sec-
13 retary of Energy shall submit the comments and views of
14 the Secretary to the President. The President shall review
15 such comments and views and shall make the decision con-
16 cerning the acceptance or rejection of the Board’s rec-
17 ommendation.

18 “(3) After receipt by the President of the rec-
19 ommendation from the Board under this subsection, the
20 Board shall promptly make such recommendation avail-
21 able to the public and shall submit such recommendation
22 to the Committees on Armed Services and Appropriations
23 of the Senate and the House of Representatives. The
24 President shall promptly notify such committees of the de-

1 cision made by the President under paragraph (2) and the
2 reasons for that decision.

3 “(g) LIMITATION.—Notwithstanding any other provi-
4 sion of this section, the requirements to make information
5 available to the public under this section—

6 “(1) shall not apply in the case of information
7 that is classified; and

8 “(2) shall be subject to the orders and regula-
9 tions issued by the Secretary of Energy under sec-
10 tions 147 and 148 of this Act to prohibit dissemina-
11 tion of certain information.”.

12 (e) REPORTS.—Section 316 of the Atomic Energy
13 Act of 1954 (42 U.S.C. 2286e) is amended by striking
14 “to the Speaker of” each place it appears.

15 (f) INFORMATION TO CONGRESS.—Section 320 of the
16 Atomic Energy Act of 1954 (42 U.S.C. 2286h–1) is
17 amended by striking “the Congress” and inserting “Com-
18 mittees on Armed Services and Appropriations of the Sen-
19 ate and the House of Representatives”.

20 (g) INSPECTOR GENERAL.—Chapter 21 of the Atom-
21 ic Energy Act of 1954 (42 U.S.C. 2286 et seq.) is amend-
22 ed by adding at the end the following new section:

1 **“SEC. 322. INSPECTOR GENERAL.**

2 “The Board shall enter into an agreement with an
3 agency of the Federal Government to procure the services
4 of the Inspector General of such agency for the Board.”.

5 (h) SAFETY STANDARDS.—Nothing in this section
6 nor in the amendments made by this section shall be con-
7 strued to cause a reduction in nuclear safety standards.

8 **TITLE XXXIV—NAVAL**
9 **PETROLEUM RESERVES**

10 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) AMOUNT.—There are hereby authorized to be ap-
12 propriated to the Secretary of Energy \$14,909,000 for fis-
13 cal year 2013 for the purpose of carrying out activities
14 under chapter 641 of title 10, United States Code, relating
15 to the naval petroleum reserves.

16 (b) PERIOD OF AVAILABILITY.—Funds appropriated
17 pursuant to the authorization of appropriations in sub-
18 section (a) shall remain available until expended.

19 **TITLE XXXV—MARITIME**
20 **ADMINISTRATION**

21 **SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR NA-**
22 **TIONAL SECURITY ASPECTS OF THE MER-**
23 **CHANT MARINE FOR FISCAL YEAR 2013.**

24 Funds are hereby authorized to be appropriated for
25 fiscal year 2013, to be available without fiscal year limita-
26 tion if so provided in appropriations Acts, for the use of

1 the Department of Transportation for Maritime Adminis-
2 tration programs associated with maintaining national se-
3 curity aspects of the merchant marine, as follows:

4 (1) For expenses necessary for operations of the
5 United States Merchant Marine Academy,
6 \$77,253,000, of which—

7 (A) \$67,253,000 shall remain available
8 until expended for Academy operations; and

9 (B) \$10,000,000 shall remain available
10 until expended for capital asset management at
11 the Academy.

12 (2) For expenses necessary to support the State
13 maritime academies, \$16,045,000, of which—

14 (A) \$2,400,000 shall remain available until
15 expended for student incentive payments;

16 (B) \$2,545,000 shall remain available until
17 expended for direct payments to such acad-
18 emies; and

19 (C) \$11,100,000 shall remain available
20 until expended for maintenance and repair of
21 State maritime academy training vessels.

22 (3) For expenses necessary to dispose of vessels
23 in the National Defense Reserve Fleet, \$12,717,000,
24 to remain available until expended.

1 (4) For expenses to maintain and preserve a
2 United States-flag merchant marine to serve the na-
3 tional security needs of the United States under
4 chapter 531 of title 46, United States Code,
5 \$186,000,000.

6 (5) For the cost (as defined in section 502(5)
7 of the Federal Credit Reform Act of 1990 (2 U.S.C.
8 6661a(5)) of loan guarantees under the program au-
9 thorized by chapter 537 of title 46, United States
10 Code, \$3,750,000, all of which shall remain available
11 until expended for administrative expenses of the
12 program.

13 **SEC. 3502. APPLICATION OF THE FEDERAL ACQUISITION**
14 **REGULATION.**

15 Section 3502(b) of the Floyd D. Spence National De-
16 fense Authorization Act for Fiscal Year 2001, as enacted
17 into law by Public Law 106–398 (114 Stat. 1645A–490),
18 is amended by striking “the enactment of this Act” and
19 inserting “contract award”.

20 **SEC. 3503. LIMITATION OF NATIONAL DEFENSE RESERVE**
21 **FLEET VESSELS TO THOSE OVER 1,500 GROSS**
22 **TONS.**

23 Section 57101(a) of title 46, United States Code, is
24 amended by inserting “of 1,500 gross tons or more or such

1 other vessels as the Secretary of Transportation shall de-
2 termine are appropriate” after “Administration”.

3 **SEC. 3504. DONATION OF EXCESS FUEL TO MARITIME**
4 **ACADEMIES.**

5 Section 51103(b)(1) of title 46, United States Code,
6 is amended by striking so much as precedes paragraph
7 (2) and inserting the following:

8 “(b) PROPERTY FOR INSTRUCTIONAL PURPOSES.—

9 “(1) IN GENERAL.—The Secretary of Transpor-
10 tation may cooperate with and assist the institutions
11 named in paragraph (2) by making vessels, fuel,
12 shipboard equipment, and other marine equipment,
13 owned by the United States Government and deter-
14 mined by the entity having custody and control of
15 such property to be excess or surplus, available to
16 those institutions for instructional purposes, by gift,
17 loan, sale, lease, or charter on terms and conditions
18 the Secretary considers appropriate. The consent of
19 the Secretary of Navy shall be obtained with respect
20 to any property from National Defense Reserve
21 Fleet vessels, 50 U.S.C. App. 1744, where such ves-
22 sels are either Ready Reserve Force vessels or other
23 National Defense Reserve Fleet vessels determined
24 to be of sufficient value to the Navy to warrant their
25 further preservation and retention.”.

1 **SEC. 3505. CLARIFICATION OF HEADING.**

2 (a) IN GENERAL.—The heading of section 57103 of
3 title 46, United States Code, is amended to read as fol-
4 lows:

5 **“§ 57103. Donation of nonretention vessels in the na-
6 tional defense reserve fleet”.**

7 (b) CONFORMING AMENDMENT.—The item relating
8 to section 57103 in the analysis of chapter 571 of such
9 title is amended to read as follows:

“57103. Donation of nonretention vessels in the national defense reserve fleet.”.

10 **SEC. 3506. TRANSFER OF VESSELS TO THE NATIONAL DE-
11 FENSE RESERVE FLEET.**

12 Section 57101 of title 46, United States Code, is
13 amended by adding at the end the following:

14 **“(c) AUTHORITY OF FEDERAL ENTITIES TO TRANS-
15 FER VESSELS.—All Federal entities are authorized to
16 transfer vessels to the National Defense Reserve Fleet
17 without reimbursement subject to the approval of the Sec-
18 retary of Transportation and the Secretary of the Navy
19 with respect to Ready Reserve Force vessels and the Sec-
20 retary of Transportation with respect to all other vessels.”.**

21 **SEC. 3507. AMENDMENTS RELATING TO THE NATIONAL DE-
22 FENSE RESERVE FLEET.**

23 Subparagraphs (B), (C), and (D) of sections 11(c)(1)
24 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App.
25 1744(c)(1)) are amended to read as follows:

1 “(B) activate and conduct sea trials on
2 each vessel at a frequency that is deemed nec-
3 essary;

4 “(C) maintain and adequately crew, as
5 necessary, in an enhanced readiness status
6 those vessels that are scheduled to be activated
7 in 5 or less days;

8 “(D) locate those vessels that are sched-
9 uled to be activated near embarkation ports
10 specified for those vessels; and”.

11 **SEC. 3508. EXTENSION OF MARITIME SECURITY FLEET PRO-**
12 **GRAM.**

13 (a) Section 53101 of title 46, United States Code,
14 is amended—

15 (1) by amending paragraph (4) to read as fol-
16 lows:

17 “(4) FOREIGN COMMERCE.—The term foreign
18 commerce means—

19 “(A) commerce or trade between the
20 United States, its territories or possessions, or
21 the District of Columbia, and a foreign country;
22 and

23 “(B) commerce or trade between foreign
24 countries.”;

25 (2) by striking paragraph (5);

1 (3) by redesignating paragraphs (6) through
2 (13) as paragraphs (5) through (12), respectively;
3 and

4 (4) by amending paragraph (5), as so redesign-
5 ated, to read as follows:

6 “(5) PARTICIPATING FLEET VESSEL.—The
7 term participating fleet vessel means any vessel
8 that—

9 “(A) on October 1, 2015—

10 “(i) meets the requirements of para-
11 graph (1), (2), (3), or (4) of section
12 53102(c); and

13 “(ii) is less than 20 years of age if the
14 vessel is a tank vessel, or is less than 25
15 years of age for all other vessel types; and

16 “(B) on December 31, 2014, is covered by
17 an operating agreement under this chapter.”.

18 (b) Section 53102(b) of such title is amended to read
19 as follows:

20 “(b) VESSEL ELIGIBILITY.—A vessel is eligible to be
21 included in the Fleet if—

22 “(1) the vessel meets the requirements of para-
23 graph (1), (2), (3), or (4) of subsection (c);

1 “(2) the vessel is operated (or in the case of a
2 vessel to be constructed, will be operated) in pro-
3 viding transportation in foreign commerce;

4 “(3) the vessel is self-propelled and—

5 “(A) is a tank vessel that is 10 years of
6 age or less on the date the vessel is included in
7 the Fleet; or

8 “(B) is any other type of vessel that is 15
9 years of age or less on the date the vessel is in-
10 cluded in the Fleet;

11 “(4) the vessel—

12 “(A) is suitable for use by the United
13 States for national defense or military purposes
14 in time of war or national emergency, as deter-
15 mined by the Secretary of Defense; and

16 “(B) is commercially viable, as determined
17 by the Secretary; and

18 “(5) the vessel—

19 “(A) is a United States-documented vessel;
20 or

21 “(B) is not a United States-documented
22 vessel, but—

23 “(i) the owner of the vessel has dem-
24 onstrated an intent to have the vessel doc-

1 umented under chapter 121 of this title if
2 it is included in the Fleet; and

3 “(ii) at the time an operating agree-
4 ment for the vessel is entered into under
5 this chapter, the vessel is eligible for docu-
6 mentation under chapter 121 of this
7 title.”.

8 (c) Section 53103 of such title is amended—

9 (1) by amending subsection (b) to read as fol-
10 lows:

11 “(b) EXTENSION OF EXISTING OPERATING AGREE-
12 MENTS.—

13 “(1) OFFER TO EXTEND.—Not later than 60
14 days after the date of enactment of this paragraph,
15 the Secretary shall offer, to an existing contractor,
16 to extend, through September 30, 2025, an oper-
17 ating agreement that is in existence on the date of
18 enactment of this paragraph. The terms and condi-
19 tions of the extended operating agreement shall in-
20 clude terms and conditions authorized under this
21 chapter, as amended from time to time.

22 “(2) TIME LIMIT.—An existing contractor shall
23 have not later than 120 days after the date the Sec-
24 retary offers to extend an operating agreement to
25 agree to the extended operating agreement.

1 “(3) SUBSEQUENT AWARD.—The Secretary
2 may award an operating agreement to an applicant
3 that is eligible to enter into an operating agreement
4 for fiscal years 2016 through 2025 if the existing
5 contractor does not agree to the extended operating
6 agreement under paragraph (2).”; and

7 (2) by amending subsection (c) to read as fol-
8 lows:

9 “(c) PROCEDURE FOR AWARDING NEW OPERATING
10 AGREEMENTS.—The Secretary may enter into a new oper-
11 ating agreement with an applicant that meets the require-
12 ments of section 53102(c) (for vessels that meet the quali-
13 fications of section 53102(b)) on the basis of priority for
14 vessel type established by military requirements of the
15 Secretary of Defense. The Secretary shall allow an appli-
16 cant at least 30 days to submit an application for a new
17 operating agreement. After consideration of military re-
18 quirements, priority shall be given to an applicant that
19 is a United States citizen under section 50501 of this title.
20 The Secretary may not approve an application without the
21 consent of the Secretary of Defense. The Secretary shall
22 enter into an operating agreement with the applicant or
23 provide a written reason for denying the application.”.

24 (d) Section 53104 of such title is amended—

1 (1) in subsection (e), by striking paragraph (3);

2 and

3 (2) in subsection (e), by striking “an operating
4 agreement under this chapter is terminated under
5 subsection (c)(3), or if”.

6 (e) Section 53105 of such title is amended—

7 (1) by amending subsection (e) to read as fol-
8 lows:

9 “(e) TRANSFER OF OPERATING AGREEMENTS.—A
10 contractor under an operating agreement may transfer the
11 agreement (including all rights and obligations under the
12 operating agreement) to any person that is eligible to
13 enter into the operating agreement under this chapter if
14 the Secretary and the Secretary of Defense determine that
15 the transfer is in the best interests of the United States.
16 A transaction shall not be considered a transfer of an op-
17 erating agreement if the same legal entity with the same
18 vessels remains the contracting party under the operating
19 agreement.”; and

20 (2) by amending subsection (f) to read as fol-
21 lows:

22 “(f) REPLACEMENT VESSELS.—A contractor may re-
23 place a vessel under an operating agreement with another
24 vessel that is eligible to be included in the Fleet under
25 section 53102(b), if the Secretary, in conjunction with the

1 Secretary of Defense, approves the replacement of the ves-
2 sel.”.

3 (f) Section 53106 of such title is amended—

4 (1) in subsection (a)(1), by striking “and (C)
5 \$3,100,000 for each of fiscal years 2012 through
6 2025.” and inserting the following:

7 “(C) \$3,100,000 for each of fiscal years
8 2012, 2013, 2014, 2015, 2016, 2017, and
9 2018;

10 “(D) \$3,500,000 for each of fiscal years
11 2019, 2020, and 2021; and

12 “(E) \$3,700,000 for each of fiscal years
13 2022, 2023, 2024, and 2025.”;

14 (2) in subsection (c)(3)(C), by striking “a
15 LASH vessel.” and inserting “a lighter aboard ship
16 vessel.”; and

17 (3) by striking subsection (f).

18 (g) Section 53107(b)(1) is amended to read as fol-
19 lows:

20 “(1) IN GENERAL.—An Emergency Prepared-
21 ness Agreement under this section shall require that
22 a contractor for a vessel covered by an operating
23 agreement under this chapter shall make commercial
24 transportation resources (including services) avail-
25 able, upon request by the Secretary of Defense dur-

1 ing a time of war or national emergency, or when-
2 ever the Secretary of Defense determines that it is
3 necessary for national security or contingency oper-
4 ation (as that term is defined in section 101 of title
5 10, United States Code).”.

6 (h) Section 53109 is repealed.

7 (i) Section 53111 is amended—

8 (1) by striking “and” at the end of paragraph
9 (2); and

10 (2) by amending paragraph (3) to read as fol-
11 lows:

12 “(3) \$186,000,000 for each of fiscal years
13 2012, 2013, 2014, 2015, 2016, 2017, and 2018;

14 “(4) \$210,000,000 for each of fiscal years
15 2019, 2020, and 2021; and

16 “(5) \$222,000,000 for each fiscal year there-
17 after through fiscal year 2025.”.

18 (j) EFFECTIVE DATE OF AMENDMENTS.—The
19 amendments made by—

20 (1) paragraphs (2), (3), and (4) of section
21 3308(a) of this Act take effect on December 31,
22 2014; and

23 (2) section 3308(f)(2) of this Act take effect on
24 December 31, 2014.

1 **SEC. 3509. IDENTIFICATION OF ACTIONS TO ENABLE**
2 **QUALIFIED UNITED STATES FLAG CAPACITY**
3 **TO MEET NATIONAL DEFENSE REQUIRE-**
4 **MENTS.**

5 (a) IDENTIFICATION OF ACTIONS.—Section 501(b) of
6 title 46, United States Code, is amended—

7 (1) by inserting “(1)” before “When the head”;

8 and

9 (2) by adding at the end the following:

10 “(2) The Administrator of the Maritime Administra-
11 tion shall—

12 “(A) in each determination referred to in para-
13 graph (1), identify any actions that could be taken
14 to enable qualified United States flag capacity to
15 meet national defense requirements;

16 “(B) provide each such determination to the
17 Secretary of Transportation and the head of the
18 agency referred to in paragraph (1) for which the
19 determination is made; and

20 “(C) publish each such determination on the
21 Internet site of the Department of Transportation
22 within 48 hours after it is provided to the Secretary
23 of Transportation.

24 “(3)(A) The Secretary of Transportation, in con-
25 sultation with the Secretary of Homeland Security, shall
26 notify the Committees on Appropriations, Transportation

1 and Infrastructure, and Armed Services of the House of
2 Representatives and the Committees on Appropriations,
3 Commerce, Science, and Transportation, and Armed Serv-
4 ices of the Senate—

5 “(i) of any request for a waiver of the naviga-
6 tion or vessel-inspection laws under this section not
7 later than 48 hours after receiving the request; and

8 “(ii) of the issuance of any waiver of compli-
9 ance of such a law not later than 48 hours after
10 such issuance.

11 “(B) The Secretary shall include in each notification
12 under subparagraph (A)(ii) an explanation of—

13 “(i) the reasons the waiver is necessary; and

14 “(ii) the reasons actions referred to in subpara-
15 graph (A) are not feasible.”.

16 **SEC. 3510. DEPARTMENT OF DEFENSE NATIONAL STRA-**
17 **TEGIC PORTS STUDY AND COMPTROLLER**
18 **GENERAL STUDIES AND REPORTS ON STRA-**
19 **TEGIC PORTS.**

20 (a) SENSE OF CONGRESS ON COMPLETION OF DOD
21 REPORT.—It is the sense of Congress that the Secretary
22 of Defense should expedite completion of the study of stra-
23 tegic ports in the United States called for in the con-
24 ference report to accompany the National Defense Author-
25 ization Act for Fiscal Year 2012 (Conference Report 112–

1 329) so that it can be submitted to Congress before Sep-
2 tember 30, 2012.

3 (b) SUBMISSION OF REPORT TO COMPTROLLER GEN-
4 ERAL.—In addition to submitting the report referred to
5 in subsection (a) to Congress, the Secretary of Defense
6 shall submit the report to the Comptroller General of the
7 United States for consideration under subsection (c).

8 (c) COMPTROLLER GENERAL STUDIES AND REPORTS
9 ON STRATEGIC PORTS.—

10 (1) COMPTROLLER GENERAL REVIEW.—Not
11 later than 90 days after receipt of the report re-
12 ferred to in subsection (a), the Comptroller General
13 shall conduct an assessment of the report and sub-
14 mit to the congressional defense committees a report
15 of such assessment.

16 (2) COMPTROLLER GENERAL STUDY AND RE-
17 PORT.—Not later than 270 days after the enactment
18 of this Act, the Comptroller General of the United
19 States shall conduct a study of the Department of
20 Defense’s programs and efforts related to the state
21 of strategic ports with respect to the Department’s
22 operational and readiness requirements, and report
23 to the congressional defense committees on the find-
24 ings of such study. The report should include an as-
25 sessment of—

1 (A) the extent to which the facilities at
2 strategic ports meet the Department of De-
3 fense’s requirements;

4 (B) the extent to which the Department
5 has identified gaps in the ability of existing
6 strategic ports to meet its needs and identified
7 and undertaken efforts to address any gaps;
8 and

9 (C) the Department’s ability to oversee, co-
10 ordinate, and provide security for military de-
11 ployments through strategic ports.

12 (d) STRATEGIC SEAPORT DEFINED.—In this section,
13 the term “strategic port” means a United States port des-
14 ignated by the Secretary of Defense as a significant trans-
15 portation hub important to the readiness and cargo
16 throughput capacity of the Department of Defense.

17 **DIVISION D—FUNDING TABLES**

18 **SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TA-**

19 **BLES.**

20 (a) IN GENERAL.—Whenever a funding table in this
21 division specifies a dollar amount authorized for a project,
22 program, or activity, the obligation and expenditure of the
23 specified dollar amount for the project, program, or activ-
24 ity is hereby authorized, subject to the availability of ap-
25 propriations.

1 (b) MERIT-BASED DECISIONS.—A decision to com-
2 mit, obligate, or expend funds with or to a specific entity
3 on the basis of a dollar amount authorized pursuant to
4 subsection (a) shall—

5 (1) be based on merit-based selection proce-
6 dures in accordance with the requirements of sec-
7 tions 2304(k) and 2374 of title 10, United States
8 Code, or on competitive procedures; and

9 (2) comply with other applicable provisions of
10 law.

11 (c) RELATIONSHIP TO TRANSFER AND PROGRAM-
12 MING AUTHORITY.—An amount specified in the funding
13 tables in this division may be transferred or repro-
14 grammed under a transfer or reprogramming authority
15 provided by another provision of this Act or by other law.
16 The transfer or reprogramming of an amount specified in
17 such funding tables shall not count against a ceiling on
18 such transfers or reprogrammings under section 1001 or
19 section 1522 of this Act or any other provision of law,
20 unless such transfer or reprogramming would move funds
21 between appropriation accounts.

22 (d) APPLICABILITY TO CLASSIFIED ANNEX.—This
23 section applies to any classified annex that accompanies
24 this Act.

1 (e) ORAL AND WRITTEN COMMUNICATIONS.—No
 2 oral or written communication concerning any amount
 3 specified in the funding tables in this division shall super-
 4 sede the requirements of this section.

5 **TITLE XLI—PROCUREMENT**

6 **SEC. 4101. PROCUREMENT.**

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
AIRCRAFT PROCUREMENT, ARMY			
FIXED WING			
01	UTILITY F/W AIRCRAFT	18,639	18,639
03	MQ-1 UAV	518,088	518,088
04	RQ-11 (RAVEN)	25,798	25,798
ROTARY			
06	HELICOPTER, LIGHT UTILITY (LUH)	271,983	271,983
07	AH-64 APACHE BLOCK IIIA REMAN	577,115	577,115
08	ADVANCE PROCUREMENT (CY)	107,707	107,707
09	AH-64 APACHE BLOCK IIIB NEW BUILD	153,993	153,993
10	ADVANCE PROCUREMENT (CY)	146,121	146,121
13	UH-60 BLACKHAWK M MODEL (MYP)	1,107,087	1,107,087
14	ADVANCE PROCUREMENT (CY)	115,113	115,113
15	CH-47 HELICOPTER	1,076,036	1,076,036
16	ADVANCE PROCUREMENT (CY)	83,346	83,346
MODIFICATION OF AIRCRAFT			
18	MQ-1 PAYLOAD—UAS	231,508	231,508
20	GUARDRAIL MODS (MIP)	16,272	16,272
21	MULTI SENSOR ABN RECON (MIP)	4,294	4,294
22	AH-64 MODS	178,805	178,805
23	CH-47 CARGO HELICOPTER MODS (MYP)	39,135	39,135
24	UTILITY/CARGO AIRPLANE MODS	24,842	24,842
26	UTILITY HELICOPTER MODS	73,804	73,804
27	KIOWA WARRIOR MODS	192,484	192,484
29	NETWORK AND MISSION PLAN	190,789	190,789
30	COMMS, NAV SURVEILLANCE	133,191	133,191
31	GATM ROLLUP	87,280	87,280
32	RQ-7 UAV MODS	104,339	104,339
GROUND SUPPORT AVIONICS			
34	AIRCRAFT SURVIVABILITY EQUIPMENT	34,037	34,037
36	CMWS	127,751	127,751
OTHER SUPPORT			
37	AVIONICS SUPPORT EQUIPMENT	4,886	4,886
38	COMMON GROUND EQUIPMENT	82,511	82,511
39	AIRCREW INTEGRATED SYSTEMS	77,381	77,381
40	AIR TRAFFIC CONTROL	47,235	47,235
41	INDUSTRIAL FACILITIES	1,643	1,643
42	LAUNCHER, 2.75 ROCKET	516	516
TOTAL, AIRCRAFT PROCUREMENT, ARMY		5,853,729	5,853,729
MISSILE PROCUREMENT, ARMY			
SURFACE-TO-AIR MISSILE SYSTEM			
01	PATRIOT SYSTEM SUMMARY	646,590	696,590
	Additional PAC-3 missiles		[50,000]
02	MSE MISSILE	12,850	12,850
AIR-TO-SURFACE MISSILE SYSTEM			
04	HELLFIRE SYS SUMMARY	1,401	11,401
	Program increase		[10,000]
ANTI-TANK/ASSAULT MISSILE SYS			
05	JAVELIN (AAWS-M) SYSTEM SUMMARY	81,121	81,121
06	TOW 2 SYSTEM SUMMARY	64,712	64,712
07	ADVANCE PROCUREMENT (CY)	19,931	19,931
08	GUIDED MLRS ROCKET (GMLRS)	218,679	218,679
09	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	18,767	18,767
10	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	12,051	12,051
MODIFICATIONS			
11	PATRIOT MODS	199,565	199,565
13	MLRS MODS	2,466	2,466

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
14	HIMARS MODIFICATIONS	6,068	6,068
	SPARES AND REPAIR PARTS		
16	SPARES AND REPAIR PARTS	7,864	7,864
	SUPPORT EQUIPMENT & FACILITIES		
17	AIR DEFENSE TARGETS	3,864	3,864
18	ITEMS LESS THAN \$5 MILLION (MISSILES)	1,560	1,560
19	PRODUCTION BASE SUPPORT	5,200	5,200
	TOTAL, MISSILE PROCUREMENT, ARMY	1,302,689	1,362,689
	PROCUREMENT OF W&TCV, ARMY		
	TRACKED COMBAT VEHICLES		
01	STRYKER VEHICLE	286,818	286,818
	MODIFICATION OF TRACKED COMBAT VEHICLES		
03	STRYKER (MOD)	60,881	60,881
04	FIST VEHICLE (MOD)	57,257	57,257
05	BRADLEY PROGRAM (MOD)	148,193	288,193
	Program increase		[140,000]
06	HOWITZER, MED SP FT 155MM M109A6 (MOD)	10,341	10,341
07	PALADIN PIM MOD IN SERVICE	206,101	206,101
08	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	107,909	169,909
	Program increase		[62,000]
09	ASSAULT BREACHER VEHICLE	50,039	50,039
10	M88 FOV MODS	29,930	29,930
11	M1 ABRAMS TANK (MOD)	129,090	129,090
12	ABRAMS UPGRADE PROGRAM	74,433	253,433
	Program increase		[181,000]
	SUPPORT EQUIPMENT & FACILITIES		
13	PRODUCTION BASE SUPPORT (TCV-WTCV)	1,145	1,145
	WEAPONS & OTHER COMBAT VEHICLES		
14	INTEGRATED AIR BURST WEAPON SYSTEM FAMILY	506	0
	XM25 funding ahead of need		[-506]
17	LIGHTWEIGHT .50 CALIBER MACHINE GUN	25,183	25,183
19	MORTAR SYSTEMS	8,104	8,104
21	XM320 GRENADE LAUNCHER MODULE (GLM)	14,096	14,096
24	CARBINE	21,272	21,272
25	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS)	6,598	6,598
26	COMMON REMOTELY OPERATED WEAPONS STATION	56,725	56,725
27	HOWITZER LT WT 155MM (T)	13,827	13,827
	MOD OF WEAPONS AND OTHER COMBAT VEH		
29	M777 MODS	26,843	26,843
30	M4 CARBINE MODS	27,243	27,243
31	M2 50 CAL MACHINE GUN MODS	39,974	39,974
32	M249 SAW MACHINE GUN MODS	4,996	4,996
33	M240 MEDIUM MACHINE GUN MODS	6,806	6,806
34	SNIPER RIFLES MODIFICATIONS	14,113	14,113
35	M119 MODIFICATIONS	20,727	20,727
36	M16 RIFLE MODS	3,306	3,306
37	MODIFICATIONS LESS THAN \$5.0M (WOCV-WTCV)	3,072	3,072
	SUPPORT EQUIPMENT & FACILITIES		
38	ITEMS LESS THAN \$5 MILLION (WOCV-WTCV)	2,026	2,026
39	PRODUCTION BASE SUPPORT (WOCV-WTCV)	10,115	10,115
40	INDUSTRIAL PREPAREDNESS	442	442
41	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG)	2,378	2,378
	SPARES		
42	SPARES AND REPAIR PARTS (WTCV)	31,217	31,217
	TOTAL, PROCUREMENT OF W&TCV, ARMY	1,501,706	1,884,200
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
01	CTG, 5.56MM, ALL TYPES	158,313	123,513
	Unit cost savings		[-34,800]
02	CTG, 7.62MM, ALL TYPES	91,438	91,438
03	CTG, HANDGUN, ALL TYPES	8,954	8,954
04	CTG, .50 CAL, ALL TYPES	109,604	109,604
05	CTG, 20MM, ALL TYPES	4,041	4,041
06	CTG, 25MM, ALL TYPES	12,654	12,654
07	CTG, 30MM, ALL TYPES	72,154	54,154
	Pricing adjustments for target practice round and light-weight dual-purpose round		[-18,000]
08	CTG, 40MM, ALL TYPES	60,138	60,138
	MORTAR AMMUNITION		
09	60MM MORTAR, ALL TYPES	44,375	44,375
10	81MM MORTAR, ALL TYPES	27,471	27,471
11	120MM MORTAR, ALL TYPES	87,811	87,811
	TANK AMMUNITION		
12	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	112,380	112,380
	ARTILLERY AMMUNITION		
13	ARTILLERY CARTRIDGES, 75MM AND 105MM, ALL TYP	50,861	50,861

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
14	ARTILLERY PROJECTILE, 155MM, ALL TYPES	26,227	26,227
15	PROJ 155MM EXTENDED RANGE XM982	110,329	53,329
	Excalibur 1-b round schedule delay		[-55,000]
16	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	43,924	43,924
	MINES		
17	MINES & CLEARING CHARGES, ALL TYPES	3,775	3,775
	NETWORKED MUNITIONS		
18	SPIDER NETWORK MUNITIONS, ALL TYPES	17,408	17,408
	ROCKETS		
19	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	1,005	1,005
20	ROCKET, HYDRA 70, ALL TYPES	123,433	123,433
	OTHER AMMUNITION		
21	DEMOLITION MUNITIONS, ALL TYPES	35,189	35,189
22	GRENADES, ALL TYPES	33,477	33,477
23	SIGNALS, ALL TYPES	9,991	9,991
24	SIMULATORS, ALL TYPES	10,388	10,388
	MISCELLANEOUS		
25	AMMO COMPONENTS, ALL TYPES	19,383	19,383
26	NON-LETHAL AMMUNITION, ALL TYPES	7,336	7,336
27	CAD/PAD ALL TYPES	6,641	6,641
28	ITEMS LESS THAN \$5 MILLION	15,092	15,092
29	AMMUNITION PECULIAR EQUIPMENT	15,692	15,692
30	FIRST DESTINATION TRANSPORTATION (AMMO)	14,107	14,107
31	CLOSEOUT LIABILITIES	106	106
	PRODUCTION BASE SUPPORT		
32	PROVISION OF INDUSTRIAL FACILITIES	220,171	220,171
33	CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL	182,461	182,461
34	ARMS INITIATIVE	3,377	3,377
	TOTAL, PROCUREMENT OF AMMUNITION, ARMY	1,739,706	1,631,906
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
01	SEMITRAILERS, FLATBED:	7,097	7,097
02	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	346,115	346,115
03	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP	19,292	19,292
04	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	52,933	52,933
05	PLS ESP	18,035	18,035
09	TRUCK, TRACTOR, LINE HAUL, M915/M916	3,619	3,619
10	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV	26,859	26,859
12	TACTICAL WHEELED VEHICLE PROTECTION KITS	69,163	69,163
13	MODIFICATION OF IN SVC EQUIP	91,754	91,754
	NON-TACTICAL VEHICLES		
18	PASSENGER CARRYING VEHICLES	2,548	2,548
19	NONTACTICAL VEHICLES, OTHER	16,791	16,791
	COMM—JOINT COMMUNICATIONS		
20	JOINT COMBAT IDENTIFICATION MARKING SYSTEM	10,061	10,061
21	WIN-T—GROUND FORCES TACTICAL NETWORK	892,635	872,635
	Program adjustment		[-20,000]
22	SIGNAL MODERNIZATION PROGRAM	45,626	45,626
23	JCSE EQUIPMENT (USREDCOM)	5,143	5,143
	COMM—SATELLITE COMMUNICATIONS		
24	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS	151,636	151,636
25	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS	6,822	6,822
26	SHF TERM	9,108	9,108
28	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)	27,353	27,353
29	SMART-T (SPACE)	98,656	98,656
31	GLOBAL BRDCST SVC—GBS	47,131	47,131
32	MOD OF IN-SVC EQUIP (TAC SAT)	23,281	23,281
	COMM—C3 SYSTEM		
34	ARMY GLOBAL CMD & CONTROL SYS (AGCCS)	10,848	10,848
	COMM—COMBAT COMMUNICATIONS		
35	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)	979	979
36	JOINT TACTICAL RADIO SYSTEM	556,250	521,250
	Program adjustment		[-35,000]
37	MID-TIER NETWORKING VEHICULAR RADIO (MNV)	86,219	76,219
	Program adjustment		[-10,000]
38	RADIO TERMINAL SET, MIDS LVT(2)	7,798	7,798
39	SINCGARS FAMILY	9,001	9,001
40	AMC CRITICAL ITEMS—OPA2	24,601	24,601
41	TRACTOR DESK	7,779	7,779
43	SPIDER APLA REMOTE CONTROL UNIT	34,365	19,365
	Program delay		[-15,000]
44	SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONICS	1,833	1,833
45	TACTICAL COMMUNICATIONS AND PROTECTIVE SYSTEM	12,984	12,984
47	GUNSHOT DETECTION SYSTEM (GDS)	2,332	2,332
48	RADIO, IMPROVED HF (COTS) FAMILY	1,132	1,132
49	MEDICAL COMM FOR CBT CASUALTY CARE (MC4)	22,899	22,899
	COMM—INTELLIGENCE COMM		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
51	CI AUTOMATION ARCHITECTURE	1,564	1,564
52	RESERVE CA/MISO GPF EQUIPMENT	28,781	28,781
	INFORMATION SECURITY		
53	TSEC—ARMY KEY MGT SYS (AKMS)	23,432	23,432
54	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	43,897	43,897
	COMM—LONG HAUL COMMUNICATIONS		
56	TERRESTRIAL TRANSMISSION	2,891	2,891
57	BASE SUPPORT COMMUNICATIONS	13,872	13,872
58	WW TECH CON IMP PROG (WWTCIP)	9,595	9,595
	COMM—BASE COMMUNICATIONS		
59	INFORMATION SYSTEMS	142,133	142,133
61	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	57,727	57,727
62	PENTAGON INFORMATION MGT AND TELECOM	5,000	5,000
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
65	JTT/CIBS-M	1,641	1,641
66	PROPHET GROUND	48,797	48,797
69	DCGS-A (MIP)	184,007	184,007
70	JOINT TACTICAL GROUND STATION (JTAGS)	2,680	2,680
71	TROJAN (MIP)	21,483	21,483
72	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	2,412	2,412
73	CI HUMINT AUTO REPRINTING AND COLLECTION	7,077	7,077
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
75	LIGHTWEIGHT COUNTER MORTAR RADAR	72,594	72,594
76	CREW	15,446	15,446
78	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	1,470	1,470
79	CI MODERNIZATION	1,368	1,368
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
80	FAAD GBS	7,980	7,980
81	SENTINEL MODS	33,444	33,444
82	SENSE THROUGH THE WALL (STTW)	6,212	6,212
83	NIGHT VISION DEVICES	166,516	166,516
85	NIGHT VISION, THERMAL WPN SIGHT	82,162	82,162
86	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	20,717	20,717
89	GREEN LASER INTERDICTION SYSTEM (GLIS)	1,014	1,014
90	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS	29,881	29,881
91	PROFILER	12,482	12,482
92	MOD OF IN-SVC EQUIP (FIREFINDER RADARS)	3,075	3,075
94	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	141,385	141,385
96	MOD OF IN-SVC EQUIP (LLDR)	22,403	22,403
98	MORTAR FIRE CONTROL SYSTEM	29,505	29,505
99	COUNTERFIRE RADARS	244,409	244,409
100	ENHANCED SENSOR & MONITORING SYSTEM (WMD)	2,426	2,426
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
101	TACTICAL OPERATIONS CENTERS	30,196	30,196
102	FIRE SUPPORT C2 FAMILY	58,903	58,903
103	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM	8,111	8,111
104	FAAD C2	5,031	5,031
105	AIR & MSL DEFENSE PLANNING & CONTROL SYS	64,144	64,144
106	KNIGHT FAMILY	11,999	11,999
107	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	1,853	1,853
108	AUTOMATIC IDENTIFICATION TECHNOLOGY	14,377	14,377
111	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	59,821	59,821
112	MANEUVER CONTROL SYSTEM (MCS)	51,228	51,228
113	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	176,901	176,901
114	RECONNAISSANCE AND SURVEYING INSTRUMENT SET	15,209	15,209
	ELECT EQUIP—AUTOMATION		
115	ARMY TRAINING MODERNIZATION	8,866	8,866
116	AUTOMATED DATA PROCESSING EQUIP	129,438	129,438
117	GENERAL FUND ENTERPRISE BUSINESS SYS FAM	9,184	9,184
118	CSS COMMUNICATIONS	20,639	20,639
119	RESERVE COMPONENT AUTOMATION SYS (RCAS)	35,493	35,493
	ELECT EQUIP—AUDIO VISUAL SYS (A/V)		
120	ITEMS LESS THAN \$5 MILLION (A/V)	8,467	8,467
121	ITEMS LESS THAN \$5 MILLION	5,309	5,309
	ELECT EQUIP—SUPPORT		
122	PRODUCTION BASE SUPPORT (C-E)	586	586
	CLASSIFIED PROGRAMS		
124A	CLASSIFIED PROGRAMS	3,435	3,435
	CHEMICAL DEFENSIVE EQUIPMENT		
126	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	3,960	3,960
127	BASE DEFENSE SYSTEMS (BDS)	4,374	4,374
128	CBRN SOLDIER PROTECTION	9,259	9,259
	BRIDGING EQUIPMENT		
130	TACTICAL BRIDGING	35,499	35,499
131	TACTICAL BRIDGE, FLOAT-RIBBON	32,893	32,893
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
134	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS)	29,106	29,106
135	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	25,459	25,459

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
136	REMOTE DEMOLITION SYSTEMS	8,044	8,044
137	< \$5M. COUNTERMINE EQUIPMENT	3,698	3,698
	COMBAT SERVICE SUPPORT EQUIPMENT		
138	HEATERS AND ECUS	12,210	12,210
139	SOLDIER ENHANCEMENT	6,522	6,522
140	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	11,222	11,222
141	GROUND SOLDIER SYSTEM	103,317	103,317
144	FIELD FEEDING EQUIPMENT	27,417	27,417
145	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	52,065	52,065
146	MORTUARY AFFAIRS SYSTEMS	2,358	2,358
147	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	31,573	31,573
148	ITEMS LESS THAN \$5 MILLION	14,093	14,093
	PETROLEUM EQUIPMENT		
149	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	36,266	36,266
	MEDICAL EQUIPMENT		
150	COMBAT SUPPORT MEDICAL	34,101	34,101
151	MEDEVAC MISSION EQUIPMENT PACKAGE (MEP)	20,540	20,540
	MAINTENANCE EQUIPMENT		
152	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	2,495	2,495
	CONSTRUCTION EQUIPMENT		
154	GRADER, ROAD MTZD, HVY, 6X4 (CCE)	2,028	2,028
156	SCRAPERS, EARTHMOVING	6,146	6,146
157	MISSION MODULES—ENGINEERING	31,200	31,200
161	TRACTOR, FULL TRACKED	20,867	20,867
162	ALL TERRAIN CRANES	4,003	4,003
163	PLANT, ASPHALT MIXING	3,679	3,679
164	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)	30,042	30,042
165	ENHANCED RAPID AIRFIELD CONSTRUCTION CAPA	13,725	13,725
166	CONST EQUIP ESP	13,351	13,351
167	ITEMS LESS THAN \$5 MILLION (CONST EQUIP)	9,134	9,134
	RAIL FLOAT CONTAINERIZATION EQUIPMENT		
170	ITEMS LESS THAN \$5 MILLION (FLOAT/RAIL)	10,552	10,552
	GENERATORS		
171	GENERATORS AND ASSOCIATED EQUIP	60,302	60,302
	MATERIAL HANDLING EQUIPMENT		
173	FAMILY OF FORKLIFTS	5,895	5,895
	TRAINING EQUIPMENT		
175	COMBAT TRAINING CENTERS SUPPORT	104,649	104,649
176	TRAINING DEVICES, NONSYSTEM	125,251	125,251
177	CLOSE COMBAT TACTICAL TRAINER	19,984	19,984
178	AVIATION COMBINED ARMS TACTICAL TRAINER	10,977	10,977
179	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING	4,056	4,056
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
180	CALIBRATION SETS EQUIPMENT	10,494	10,494
181	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	45,508	45,508
182	TEST EQUIPMENT MODERNIZATION (TEMOD)	24,334	24,334
	OTHER SUPPORT EQUIPMENT		
183	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	5,078	5,078
184	PHYSICAL SECURITY SYSTEMS (OPA3)	46,301	46,301
185	BASE LEVEL COMMON EQUIPMENT	1,373	1,373
186	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3)	59,141	59,141
187	PRODUCTION BASE SUPPORT (OTH)	2,446	2,446
188	SPECIAL EQUIPMENT FOR USER TESTING	12,920	12,920
189	AMC CRITICAL ITEMS OPA3	19,180	19,180
190	TRACTOR YARD	7,368	7,368
191	UNMANNED GROUND VEHICLE	83,937	83,937
	OPA2		
193	INITIAL SPARES—C&E	64,507	64,507
	TOTAL, OTHER PROCUREMENT, ARMY	6,326,245	6,246,245
	JOINT IMPR EXPLOSIVE DEV DEFEAT FUND		
	STAFF AND INFRASTRUCTURE		
04	OPERATIONS	227,414	0
	Transfer of funds to title 15		[-227,414]
	TOTAL, JOINT IMPR EXPLOSIVE DEV DEFEAT FUND	227,414	0
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
01	EA-18G	1,027,443	997,443
	Cost growth-CFE electronics, non-recurring costs		[-30,000]
02	ADVANCE PROCUREMENT (CY)		45,000
	Program increase		[45,000]
03	F/A-18E/F (FIGHTER) HORNET	2,035,131	1,989,131
	Cost growth-CFE electronics, support costs		[-46,000]
04	ADVANCE PROCUREMENT (CY)	30,296	30,296
05	JOINT STRIKE FIGHTER CV	1,007,632	1,007,632
06	ADVANCE PROCUREMENT (CY)	65,180	65,180
07	JSF STOVL	1,404,737	1,404,737

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
08	ADVANCE PROCUREMENT (CY)	106,199	106,199
09	V-22 (MEDIUM LIFT)	1,303,120	1,303,120
10	ADVANCE PROCUREMENT (CY)	154,202	154,202
11	H-1 UPGRADES (UH-1Y/AH-1Z)	720,933	720,933
12	ADVANCE PROCUREMENT (CY)	69,658	69,658
13	MH-60S (MYP)	384,792	384,792
14	ADVANCE PROCUREMENT (CY)	69,277	69,277
15	MH-60R (MYP)	656,866	826,866
	Cruiser Retention—Restore 5 helicopters		[170,000]
16	ADVANCE PROCUREMENT (CY)	185,896	185,896
17	P-8A POSEIDON	2,420,755	2,420,755
18	ADVANCE PROCUREMENT (CY)	325,679	325,679
19	E-2D ADV HAWKEYE	861,498	861,498
20	ADVANCE PROCUREMENT (CY)	123,179	123,179
	TRAINER AIRCRAFT		
22	JPATS	278,884	278,884
	OTHER AIRCRAFT		
23	KC-130J	3,000	3,000
24	ADVANCE PROCUREMENT (CY)	22,995	22,995
25	ADVANCE PROCUREMENT (CY)	51,124	51,124
26	MQ-8 UAV	124,573	124,573
27	STUASLO UAV	9,593	9,593
	MODIFICATION OF AIRCRAFT		
28	EA-6 SERIES	30,062	30,062
29	AEA SYSTEMS	49,999	49,999
30	AV-8 SERIES	38,703	38,703
31	ADVERSARY	4,289	4,289
32	F-18 SERIES	647,306	647,306
33	H-46 SERIES	2,343	2,343
34	AH-1W SERIES	8,721	8,721
35	H-53 SERIES	45,567	45,567
36	SH-60 SERIES	83,527	83,527
37	H-1 SERIES	6,508	6,508
38	EP-3 SERIES	66,374	66,374
39	P-3 SERIES	148,405	148,405
40	E-2 SERIES	16,322	16,322
41	TRAINER A/C SERIES	34,284	34,284
42	C-2A	4,743	4,743
43	C-130 SERIES	60,302	60,302
44	FEWSG	670	670
45	CARGO/TRANSPORT A/C SERIES	26,311	26,311
46	E-6 SERIES	158,332	158,332
47	EXECUTIVE HELICOPTERS SERIES	58,163	58,163
48	SPECIAL PROJECT AIRCRAFT	12,421	12,421
49	T-45 SERIES	64,488	64,488
50	POWER PLANT CHANGES	21,569	21,569
51	JPATS SERIES	1,552	1,552
52	AVIATION LIFE SUPPORT MODS	2,473	2,473
53	COMMON ECM EQUIPMENT	114,690	114,690
54	COMMON AVIONICS CHANGES	96,183	96,183
56	ID SYSTEMS	39,846	39,846
57	P-8 SERIES	5,302	5,302
58	MAGTF EW FOR AVIATION	34,127	34,127
59	RQ-7 SERIES	49,324	49,324
60	V-22 (TILT/ROTOR ACFT) OSPREY	95,856	95,856
	AIRCRAFT SPARES AND REPAIR PARTS		
61	SPARES AND REPAIR PARTS	1,166,430	1,126,430
	Spares cost growth—F-35C, F-35B, E-2D		[-40,000]
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
62	COMMON GROUND EQUIPMENT	387,195	387,195
63	AIRCRAFT INDUSTRIAL FACILITIES	23,469	23,469
64	WAR CONSUMABLES	43,383	43,383
65	OTHER PRODUCTION CHARGES	3,399	3,399
66	SPECIAL SUPPORT EQUIPMENT	32,274	32,274
67	FIRST DESTINATION TRANSPORTATION	1,742	1,742
	TOTAL, AIRCRAFT PROCUREMENT, NAVY	17,129,296	17,228,296
	WEAPONS PROCUREMENT, NAVY		
	MODIFICATION OF MISSILES		
01	TRIDENT II MODS	1,224,683	1,224,683
	SUPPORT EQUIPMENT & FACILITIES		
02	MISSILE INDUSTRIAL FACILITIES	5,553	5,553
	STRATEGIC MISSILES		
03	TOMAHAWK	308,970	308,970
	TACTICAL MISSILES		
04	AMRAAM	102,683	112,683
	Program increase		[10,000]
05	SIDEWINDER	80,226	80,226

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(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
06	JSOW	127,609	137,809
	Program increase		[10,200]
07	STANDARD MISSILE	399,482	399,482
08	RAM	66,769	66,769
09	HELLFIRE	74,501	91,901
	Program increase		[17,400]
11	AERIAL TARGETS	61,518	61,518
12	OTHER MISSILE SUPPORT	3,585	3,585
	MODIFICATION OF MISSILES		
13	ESSM	58,194	58,194
14	HARM MODS	86,721	86,721
	SUPPORT EQUIPMENT & FACILITIES		
16	WEAPONS INDUSTRIAL FACILITIES	2,014	2,014
17	FLEET SATELLITE COMM FOLLOW-ON	21,454	21,454
	ORDNANCE SUPPORT EQUIPMENT		
18	ORDNANCE SUPPORT EQUIPMENT	54,945	54,945
	TORPEDOES AND RELATED EQUIP		
19	SSTD	2,700	2,700
20	ASW TARGETS	10,385	10,385
	MOD OF TORPEDOES AND RELATED EQUIP		
21	MK-54 TORPEDO MODS	74,487	74,487
22	MK-48 TORPEDO ADCAP MODS	54,281	54,281
23	QUICKSTRIKE MINE	6,852	6,852
	SUPPORT EQUIPMENT		
24	TORPEDO SUPPORT EQUIPMENT	46,402	46,402
25	ASW RANGE SUPPORT	11,927	11,927
	DESTINATION TRANSPORTATION		
26	FIRST DESTINATION TRANSPORTATION	3,614	3,614
	GUNS AND GUN MOUNTS		
27	SMALL ARMS AND WEAPONS	12,594	12,594
	MODIFICATION OF GUNS AND GUN MOUNTS		
28	CIWS MODS	59,303	59,303
29	COAST GUARD WEAPONS	19,072	19,072
30	GUN MOUNT MODS	54,706	54,706
31	CRUISER MODERNIZATION WEAPONS	1,591	19,622
	Cruiser retention—5/62 Upgrade		[18,031]
32	AIRBORNE MINE NEUTRALIZATION SYSTEMS	20,607	20,607
	SPARES AND REPAIR PARTS		
34	SPARES AND REPAIR PARTS	60,150	60,150
	TOTAL, WEAPONS PROCUREMENT, NAVY	3,117,578	3,173,209
	SHIPBUILDING & CONVERSION, NAVY		
	OTHER WARSHIPS		
01	CARRIER REPLACEMENT PROGRAM	608,195	608,195
03	VIRGINIA CLASS SUBMARINE	3,217,601	3,217,601
04	ADVANCE PROCUREMENT (CY)	874,878	1,652,878
	Advance procurement		[778,000]
05	CVN REFUELING OVERHAULS	1,613,392	1,613,392
06	ADVANCE PROCUREMENT (CY)	70,010	70,010
08	DDG 1000	669,222	669,222
09	DDG-51	3,048,658	3,048,658
10	ADVANCE PROCUREMENT (CY)	466,283	581,283
	Advance procurement		[115,000]
11	LITTORAL COMBAT SHIP	1,784,959	1,784,959
	AMPHIBIOUS SHIPS		
15	JOINT HIGH SPEED VESSEL	189,196	189,196
	AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST		
17	ADVANCE PROCUREMENT (CY)	307,300	307,300
18	OUTFITTING	309,648	309,648
20	LCAC SLEP	47,930	47,930
21	COMPLETION OF PY SHIPBUILDING PROGRAMS	372,573	372,573
	TOTAL, SHIPBUILDING & CONVERSION, NAVY	13,579,845	14,472,845
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
01	GENERAL PURPOSE BOMBS	27,024	27,024
02	AIRBORNE ROCKETS, ALL TYPES	56,575	56,575
03	MACHINE GUN AMMUNITION	21,266	21,266
04	PRACTICE BOMBS	34,319	34,319
05	CARTRIDGES & CART ACTUATED DEVICES	53,755	53,755
06	AIR EXPENDABLE COUNTERMEASURES	61,693	61,693
07	JATOS	2,776	2,776
08	LRLAP 6" LONG RANGE ATTACK PROJECTILE	7,102	7,102
09	5 INCH/54 GUN AMMUNITION	48,320	48,320
10	INTERMEDIATE CALIBER GUN AMMUNITION	25,544	25,544
11	OTHER SHIP GUN AMMUNITION	41,624	41,624
12	SMALL ARMS & LANDING PARTY AMMO	63,893	63,893
13	PYROTECHNIC AND DEMOLITION	11,176	11,176

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
14	AMMUNITION LESS THAN \$5 MILLION	4,116	4,116
	MARINE CORPS AMMUNITION		
15	SMALL ARMS AMMUNITION	83,733	83,733
16	LINEAR CHARGES, ALL TYPES	24,645	24,645
17	40MM, ALL TYPES	16,201	16,201
19	81MM, ALL TYPES	13,711	3,711
	Excess to need		[-10,000]
20	120MM, ALL TYPES	12,557	12,557
22	GRENADERS, ALL TYPES	7,634	7,134
	Excess to need		[-500]
23	ROCKETS, ALL TYPES	27,528	27,528
24	ARTILLERY, ALL TYPES	93,065	93,065
25	DEMOLITION MUNITIONS, ALL TYPES	2,047	0
	Excess to need		[-2,047]
26	FUZE, ALL TYPES	5,297	5,297
27	NON LETHALS	1,362	1,362
28	AMMO MODERNIZATION	4,566	4,566
29	ITEMS LESS THAN \$5 MILLION	6,010	6,010
	TOTAL, PROCUREMENT OF AMMO, NAVY & MC	759,539	746,992
	OTHER PROCUREMENT, NAVY		
	SHIP PROPULSION EQUIPMENT		
01	LM-2500 GAS TURBINE	10,658	10,658
02	ALLISON 501K GAS TURBINE	8,469	8,469
	NAVIGATION EQUIPMENT		
03	OTHER NAVIGATION EQUIPMENT	23,392	23,392
	PERISCOPES		
04	SUB PERISCOPES & IMAGING EQUIP	53,809	53,809
	OTHER SHIPBOARD EQUIPMENT		
05	DDG MOD	452,371	452,371
06	FIREFIGHTING EQUIPMENT	16,958	16,958
07	COMMAND AND CONTROL SWITCHBOARD	2,492	2,492
08	POLLUTION CONTROL EQUIPMENT	20,707	20,707
09	SUBMARINE SUPPORT EQUIPMENT	12,046	12,046
10	VIRGINIA CLASS SUPPORT EQUIPMENT	79,870	79,870
11	LCS CLASS SUPPORT EQUIPMENT	19,865	19,865
12	SUBMARINE BATTERIES	41,522	41,522
13	LPD CLASS SUPPORT EQUIPMENT	30,543	30,543
14	STRATEGIC PLATFORM SUPPORT EQUIP	16,257	16,257
15	DSSP EQUIPMENT	3,630	3,630
16	CG MODERNIZATION	101,000	184,972
	Cruiser retention		[83,972]
17	LCAC	16,645	16,645
18	UNDERWATER EOD PROGRAMS	35,446	35,446
19	ITEMS LESS THAN \$5 MILLION	65,998	65,998
20	CHEMICAL WARFARE DETECTORS	4,359	4,359
21	SUBMARINE LIFE SUPPORT SYSTEM	10,218	10,218
	REACTOR PLANT EQUIPMENT		
22	REACTOR POWER UNITS	286,859	286,859
23	REACTOR COMPONENTS	278,503	278,503
	OCEAN ENGINEERING		
24	DIVING AND SALVAGE EQUIPMENT	8,998	8,998
	SMALL BOATS		
25	STANDARD BOATS	30,131	30,131
	TRAINING EQUIPMENT		
26	OTHER SHIPS TRAINING EQUIPMENT	29,772	29,772
	PRODUCTION FACILITIES EQUIPMENT		
27	OPERATING FORCES IPE	64,346	64,346
	OTHER SHIP SUPPORT		
28	NUCLEAR ALTERATIONS	154,652	154,652
29	LCS COMMON MISSION MODULES EQUIPMENT	31,319	31,319
30	LCS MCM MISSION MODULES	38,392	38,392
31	LCS SUW MISSION MODULES	32,897	32,897
	LOGISTIC SUPPORT		
32	LSD MIDLIFE	49,758	49,758
	SHIP SONARS		
34	SPQ-9B RADAR	19,777	19,777
35	AN/SQQ-89 SURF ASW COMBAT SYSTEM	89,201	89,201
36	SSN ACOUSTICS	190,874	190,874
37	UNDERSEA WARFARE SUPPORT EQUIPMENT	17,035	17,035
38	SONAR SWITCHES AND TRANSDUCERS	13,410	13,410
	ASW ELECTRONIC EQUIPMENT		
40	SUBMARINE ACOUSTIC WARFARE SYSTEM	21,489	21,489
41	SSTD	10,716	10,716
42	FIXED SURVEILLANCE SYSTEM	98,896	98,896
43	SURTASS	2,774	2,774
44	MARITIME PATROL AND RECONNAISSANCE FORCE	18,428	18,428
	ELECTRONIC WARFARE EQUIPMENT		

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Line	Item	FY 2013 Request	House Authorized
45	AN/SLQ-32	92,270	92,270
	RECONNAISSANCE EQUIPMENT		
46	SHIPBOARD IW EXPLOIT	107,060	108,185
	Cruiser Retention		[1,125]
47	AUTOMATED IDENTIFICATION SYSTEM (AIS)	914	914
	SUBMARINE SURVEILLANCE EQUIPMENT		
48	SUBMARINE SUPPORT EQUIPMENT PROG	34,050	34,050
	OTHER SHIP ELECTRONIC EQUIPMENT		
49	COOPERATIVE ENGAGEMENT CAPABILITY	27,881	27,881
50	TRUSTED INFORMATION SYSTEM (TIS)	448	448
51	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	35,732	35,732
53	NAVY COMMAND AND CONTROL SYSTEM (NCCS)	9,533	9,533
54	MINESWEEPING SYSTEM REPLACEMENT	60,111	60,111
55	SHALLOW WATER MCM	6,950	6,950
56	NAVSTAR GPS RECEIVERS (SPACE)	9,089	9,089
57	AMERICAN FORCES RADIO AND TV SERVICE	7,768	7,768
58	STRATEGIC PLATFORM SUPPORT EQUIP	3,614	3,614
	TRAINING EQUIPMENT		
59	OTHER TRAINING EQUIPMENT	42,911	42,911
	AVIATION ELECTRONIC EQUIPMENT		
60	MATCALS	5,861	5,861
61	SHIPBOARD AIR TRAFFIC CONTROL	8,362	8,362
62	AUTOMATIC CARRIER LANDING SYSTEM	15,685	15,685
63	NATIONAL AIR SPACE SYSTEM	16,919	16,919
64	FLEET AIR TRAFFIC CONTROL SYSTEMS	6,828	6,828
65	LANDING SYSTEMS	7,646	7,646
66	ID SYSTEMS	35,474	35,474
67	NAVAL MISSION PLANNING SYSTEMS	9,958	9,958
	OTHER SHORE ELECTRONIC EQUIPMENT		
68	DEPLOYABLE JOINT COMMAND AND CONT	9,064	9,064
69	MARITIME INTEGRATED BROADCAST SYSTEM	16,026	16,026
70	TACTICAL/MOBILE C4I SYSTEMS	11,886	11,886
71	DCGS-N	11,887	11,887
72	CANES	341,398	344,848
	Cruiser Retention		[3,450]
73	RADLAC	8,083	8,083
74	CANES-INTELL	79,427	79,427
75	GPETE	6,083	6,083
76	INTEG COMBAT SYSTEM TEST FACILITY	4,495	4,495
77	EMI CONTROL INSTRUMENTATION	4,767	4,767
78	ITEMS LESS THAN \$5 MILLION	81,755	81,755
	SHIPBOARD COMMUNICATIONS		
80	SHIP COMMUNICATIONS AUTOMATION	56,870	58,023
	Cruiser Retention		[1,153]
81	MARITIME DOMAIN AWARENESS (MDA)	1,063	1,063
82	COMMUNICATIONS ITEMS UNDER \$5M	28,522	28,522
	SUBMARINE COMMUNICATIONS		
83	SUBMARINE BROADCAST SUPPORT	4,183	4,183
84	SUBMARINE COMMUNICATION EQUIPMENT	69,025	69,025
	SATELLITE COMMUNICATIONS		
85	SATELLITE COMMUNICATIONS SYSTEMS	49,294	49,294
86	NAVY MULTIBAND TERMINAL (NMT)	184,825	186,540
	Cruiser Retention		[1,715]
	SHORE COMMUNICATIONS		
87	JCS COMMUNICATIONS EQUIPMENT	2,180	2,180
88	ELECTRICAL POWER SYSTEMS	1,354	1,354
	CRYPTOGRAPHIC EQUIPMENT		
90	INFO SYSTEMS SECURITY PROGRAM (ISSP)	144,104	144,104
	CRYPTOLOGIC EQUIPMENT		
91	CRYPTOLOGIC COMMUNICATIONS EQUIP	12,604	12,604
	OTHER ELECTRONIC SUPPORT		
92	COAST GUARD EQUIPMENT	6,680	6,680
	SONOBUOYS		
95	SONOBUOYS—ALL TYPES	104,677	104,677
	AIRCRAFT SUPPORT EQUIPMENT		
96	WEAPONS RANGE SUPPORT EQUIPMENT	70,753	70,753
97	EXPEDITIONARY AIRFIELDS	8,678	8,678
98	AIRCRAFT REARMING EQUIPMENT	11,349	11,349
99	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT	82,618	82,618
100	METEOROLOGICAL EQUIPMENT	18,339	18,339
101	DCRS/DPL	1,414	1,414
102	AVIATION LIFE SUPPORT	40,475	40,475
103	AIRBORNE MINE COUNTERMEASURES	61,552	61,552
104	LAMPS MK III SHIPBOARD EQUIPMENT	18,771	18,771
105	PORTABLE ELECTRONIC MAINTENANCE AIDS	7,954	7,954
106	OTHER AVIATION SUPPORT EQUIPMENT	10,023	10,023
107	AUTONOMIC LOGISTICS INFORMATION SYSTEM (ALIS)	3,826	3,826
	SHIP GUN SYSTEM EQUIPMENT		

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Line	Item	FY 2013 Request	House Authorized
108	NAVAL FIRES CONTROL SYSTEM	3,472	3,472
109	GUN FIRE CONTROL EQUIPMENT	4,528	4,528
	SHIP MISSILE SYSTEMS EQUIPMENT		
110	NATO SEASPARROW	8,960	8,960
111	RAM GMLS	1,185	1,185
112	SHIP SELF DEFENSE SYSTEM	55,371	55,371
113	AEGIS SUPPORT EQUIPMENT	81,614	81,614
114	TOMAHAWK SUPPORT EQUIPMENT	77,767	77,767
115	VERTICAL LAUNCH SYSTEMS	754	754
116	MARITIME INTEGRATED PLANNING SYSTEM-MIPS	4,965	4,965
	FBM SUPPORT EQUIPMENT		
117	STRATEGIC MISSILE SYSTEMS EQUIP	181,049	181,049
	ASW SUPPORT EQUIPMENT		
118	SSN COMBAT CONTROL SYSTEMS	71,316	71,316
119	SUBMARINE ASW SUPPORT EQUIPMENT	4,018	4,018
120	SURFACE ASW SUPPORT EQUIPMENT	6,465	6,465
121	ASW RANGE SUPPORT EQUIPMENT	47,930	47,930
	OTHER ORDNANCE SUPPORT EQUIPMENT		
122	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	3,579	3,579
123	ITEMS LESS THAN \$5 MILLION	3,125	3,125
	OTHER EXPENDABLE ORDNANCE		
124	ANTI-SHIP MISSILE DECOY SYSTEM	31,743	42,981
	Cruiser Retention		[1,238]
	Program increase for NULKA decoys		[10,000]
125	SURFACE TRAINING DEVICE MODS	34,174	34,174
126	SUBMARINE TRAINING DEVICE MODS	23,450	23,450
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
127	PASSENGER CARRYING VEHICLES	7,158	7,158
128	GENERAL PURPOSE TRUCKS	3,325	3,325
129	CONSTRUCTION & MAINTENANCE EQUIP	8,692	8,692
130	FIRE FIGHTING EQUIPMENT	14,533	14,533
131	TACTICAL VEHICLES	15,330	15,330
132	AMPHIBIOUS EQUIPMENT	10,803	10,803
133	POLLUTION CONTROL EQUIPMENT	7,265	7,265
134	ITEMS UNDER \$5 MILLION	15,252	15,252
135	PHYSICAL SECURITY VEHICLES	1,161	1,161
	SUPPLY SUPPORT EQUIPMENT		
136	MATERIALS HANDLING EQUIPMENT	15,204	15,204
137	OTHER SUPPLY SUPPORT EQUIPMENT	6,330	6,330
138	FIRST DESTINATION TRANSPORTATION	6,539	6,539
139	SPECIAL PURPOSE SUPPLY SYSTEMS	34,804	34,804
	TRAINING DEVICES		
140	TRAINING SUPPORT EQUIPMENT	25,444	25,444
	COMMAND SUPPORT EQUIPMENT		
141	COMMAND SUPPORT EQUIPMENT	43,165	43,165
142	EDUCATION SUPPORT EQUIPMENT	2,251	2,251
143	MEDICAL SUPPORT EQUIPMENT	3,148	3,148
146	NAVAL MIP SUPPORT EQUIPMENT	3,502	3,502
148	OPERATING FORCES SUPPORT EQUIPMENT	15,696	15,696
149	C4ISR EQUIPMENT	4,344	4,344
150	ENVIRONMENTAL SUPPORT EQUIPMENT	19,492	19,492
151	PHYSICAL SECURITY EQUIPMENT	177,149	177,149
152	ENTERPRISE INFORMATION TECHNOLOGY	183,995	183,995
	CLASSIFIED PROGRAMS		
152A	CLASSIFIED PROGRAMS	13,063	13,063
	SPARES AND REPAIR PARTS		
153	SPARES AND REPAIR PARTS	250,718	250,718
	TOTAL, OTHER PROCUREMENT, NAVY	6,169,378	6,272,031
	PROCUREMENT, MARINE CORPS		
	TRACKED COMBAT VEHICLES		
01	AAV7A1 PIP	16,089	16,089
02	LAV PIP	186,216	45,316
	Budget adjustment per USMC		[-140,900]
	ARTILLERY AND OTHER WEAPONS		
03	EXPEDITIONARY FIRE SUPPORT SYSTEM	2,502	2,502
04	155MM LIGHTWEIGHT TOWED HOWITZER	17,913	17,913
05	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	47,999	47,999
06	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION	17,706	17,706
	OTHER SUPPORT		
07	MODIFICATION KITS	48,040	48,040
08	WEAPONS ENHANCEMENT PROGRAM	4,537	4,537
	GUIDED MISSILES		
09	GROUND BASED AIR DEFENSE	11,054	11,054
11	FOLLOW ON TO SMAW	19,650	19,650
12	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H)	20,708	20,708
	COMMAND AND CONTROL SYSTEMS		
14	UNIT OPERATIONS CENTER	1,420	1,420

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
	REPAIR AND TEST EQUIPMENT		
15	REPAIR AND TEST EQUIPMENT	25,127	25,127
	OTHER SUPPORT (TEL)		
16	COMBAT SUPPORT SYSTEM	25,822	25,822
17	MODIFICATION KITS	2,831	2,831
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
18	ITEMS UNDER \$5 MILLION (COMM & ELEC)	5,498	5,498
19	AIR OPERATIONS C2 SYSTEMS	11,290	11,290
	RADAR + EQUIPMENT (NON-TEL)		
20	RADAR SYSTEMS	128,079	128,079
21	RQ-21 UAS	27,619	27,619
	INTELL/COMM EQUIPMENT (NON-TEL)		
22	FIRE SUPPORT SYSTEM	7,319	7,319
23	INTELLIGENCE SUPPORT EQUIPMENT	7,466	7,466
25	RQ-11 UAV	2,318	2,318
26	DCGS-MC	18,291	18,291
	OTHER COMM/ELEC EQUIPMENT (NON-TEL)		
29	NIGHT VISION EQUIPMENT	48,084	48,084
	OTHER SUPPORT (NON-TEL)		
30	COMMON COMPUTER RESOURCES	206,708	206,708
31	COMMAND POST SYSTEMS	35,190	35,190
32	RADIO SYSTEMS	89,059	89,059
33	COMM SWITCHING & CONTROL SYSTEMS	22,500	22,500
34	COMM & ELEC INFRASTRUCTURE SUPPORT	42,625	42,625
	CLASSIFIED PROGRAMS		
035A	CLASSIFIED PROGRAMS	2,290	2,290
	ADMINISTRATIVE VEHICLES		
35	COMMERCIAL PASSENGER VEHICLES	2,877	2,877
36	COMMERCIAL CARGO VEHICLES	13,960	13,960
	TACTICAL VEHICLES		
37	5/4T TRUCK HMMWV (MYP)	8,052	8,052
38	MOTOR TRANSPORT MODIFICATIONS	50,269	50,269
40	LOGISTICS VEHICLE SYSTEM REP	37,262	37,262
41	FAMILY OF TACTICAL TRAILERS	48,160	48,160
	OTHER SUPPORT		
43	ITEMS LESS THAN \$5 MILLION	6,705	6,705
	ENGINEER AND OTHER EQUIPMENT		
44	ENVIRONMENTAL CONTROL EQUIP ASSORT	13,576	13,576
45	BULK LIQUID EQUIPMENT	16,869	16,869
46	TACTICAL FUEL SYSTEMS	19,108	19,108
47	POWER EQUIPMENT ASSORTED	56,253	56,253
48	AMPHIBIOUS SUPPORT EQUIPMENT	13,089	13,089
49	EOD SYSTEMS	73,699	73,699
	MATERIALS HANDLING EQUIPMENT		
50	PHYSICAL SECURITY EQUIPMENT	3,510	3,510
51	GARRISON MOBILE ENGINEER EQUIPMENT (GMEE)	11,490	11,490
52	MATERIAL HANDLING EQUIP	20,659	20,659
53	FIRST DESTINATION TRANSPORTATION	132	132
	GENERAL PROPERTY		
54	FIELD MEDICAL EQUIPMENT	31,068	31,068
55	TRAINING DEVICES	45,895	45,895
56	CONTAINER FAMILY	5,801	5,801
57	FAMILY OF CONSTRUCTION EQUIPMENT	23,939	23,939
60	RAPID DEPLOYABLE KITCHEN	8,365	8,365
	OTHER SUPPORT		
61	ITEMS LESS THAN \$5 MILLION	7,077	7,077
	SPARES AND REPAIR PARTS		
62	SPARES AND REPAIR PARTS	3,190	3,190
	TOTAL, PROCUREMENT, MARINE CORPS	1,622,955	1,482,055
	AIRCRAFT PROCUREMENT, AIR FORCE		
	TACTICAL FORCES		
01	F-35	3,124,302	3,124,302
02	ADVANCE PROCUREMENT (CY)	293,400	229,400
	Excess advance procurement		[-64,000]
	OTHER AIRLIFT		
05	C-130J	68,373	68,373
07	HC-130J	152,212	152,212
09	MC-130J	374,866	374,866
12	C-27J		115,000
	C-27J buy-back		[115,000]
	HELICOPTERS		
15	HH-60 LOSS REPLACEMENT/RECAP	60,596	60,596
17	CV-22 (MYP)	294,220	294,220
18	ADVANCE PROCUREMENT (CY)	15,000	15,000
	MISSION SUPPORT AIRCRAFT		
19	CIVIL AIR PATROL A/C	2,498	2,498
	OTHER AIRCRAFT		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
24	TARGET DRONES	129,866	129,866
26	RQ-4	75,000	180,200
	Sustain current force structure		[105,200]
28	AC-130J	163,970	163,970
30	MQ-9	553,530	712,430
	Additional aircraft		[158,900]
31	RQ-4 BLOCK 40 PROC	11,654	11,654
	STRATEGIC AIRCRAFT		
32	B-2A	82,296	82,296
33	B-1B	149,756	149,756
34	B-52	9,781	9,781
35	LARGE AIRCRAFT INFRARED COUNTERMEASURES	28,800	28,800
	TACTICAL AIRCRAFT		
36	A-10	89,919	89,919
37	F-15	148,378	148,378
38	F-16	6,896	6,896
39	F-22A	283,871	283,871
40	F-35 MODIFICATIONS	147,995	147,995
	AIRLIFT AIRCRAFT		
41	C-5	6,967	6,967
43	C-5M	944,819	944,819
44	ADVANCE PROCUREMENT (CY)	175,800	175,800
46	C-17A	205,079	205,079
47	C-21	199	199
48	C-32A	1,750	1,750
49	C-37A	445	445
	TRAINER AIRCRAFT		
51	GLIDER MODS	126	126
52	T-6	15,494	15,494
53	T-1	272	272
54	T-38	20,455	20,455
	OTHER AIRCRAFT		
56	U-2 MODS	44,477	44,477
57	KC-10A (ATCA)	46,921	46,921
58	C-12	1,876	1,876
59	MC-12W	17,054	17,054
60	C-20 MODS	243	243
61	VC-25A MOD	11,185	11,185
62	C-40	243	243
63	C-130	67,853	67,853
65	C-130J MODS	70,555	70,555
66	C-135	46,707	46,707
67	COMPASS CALL MODS	50,024	50,024
68	RC-135	165,237	165,237
69	E-3	193,099	193,099
70	E-4	47,616	47,616
71	E-8	59,320	59,320
72	H-1	5,449	5,449
73	H-60	26,227	26,227
74	RQ-4 MODS	9,257	9,257
75	HC/MC-130 MODIFICATIONS	22,326	22,326
76	OTHER AIRCRAFT	18,832	18,832
77	MQ-1 MODS	30,861	30,861
78	MQ-9 MODS	238,360	238,360
79	MQ-9 UAS PAYLOADS	93,461	93,461
80	CV-22 MODS	23,881	23,881
	AIRCRAFT SPARES AND REPAIR PARTS		
81	INITIAL SPARES/REPAIR PARTS	729,691	728,291
	Premature request for deployment spares packages for F-35		[-23,000]
	Support additional MQ-9 aircraft		[21,600]
	COMMON SUPPORT EQUIPMENT		
82	AIRCRAFT REPLACEMENT SUPPORT EQUIP	56,542	56,542
	POST PRODUCTION SUPPORT		
83	A-10	5,100	5,100
84	B-1	965	965
86	B-2A	47,580	47,580
88	KC-10A (ATCA)	13,100	13,100
89	C-17A	181,703	181,703
90	C-130	31,830	31,830
91	C-135	13,434	13,434
92	F-15	2,363	2,363
93	F-16	8,506	8,506
96	OTHER AIRCRAFT	9,522	9,522
	INDUSTRIAL PREPAREDNESS		
97	INDUSTRIAL RESPONSIVENESS	20,731	20,731
	WAR CONSUMABLES		
98	WAR CONSUMABLES	89,727	89,727
	OTHER PRODUCTION CHARGES		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
99	OTHER PRODUCTION CHARGES	842,392	842,392
	CLASSIFIED PROGRAMS		
103A	CLASSIFIED PROGRAMS	20,164	20,164
	TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE	11,002,999	11,316,699
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
01	ROCKETS	8,927	8,927
	CARTRIDGES		
02	CARTRIDGES	118,075	118,075
	BOMBS		
03	PRACTICE BOMBS	32,393	32,393
04	GENERAL PURPOSE BOMBS	163,467	163,467
05	JOINT DIRECT ATTACK MUNITION	101,921	101,921
	FLARE, IR MJU-7B		
06	CAD/PAD	43,829	43,829
07	EXPLOSIVE ORDNANCE DISPOSAL (EOD)	7,515	7,515
08	SPARES AND REPAIR PARTS	1,003	1,003
09	MODIFICATIONS	5,321	5,321
10	ITEMS LESS THAN \$5 MILLION	5,066	5,066
	FUZES		
11	FLARES	46,010	46,010
12	FUZES	36,444	36,444
	SMALL ARMS		
13	SMALL ARMS	29,223	29,223
	TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE	599,194	599,194
	MISSILE PROCUREMENT, AIR FORCE		
	MISSILE REPLACEMENT EQUIPMENT—BALLISTIC		
01	MISSILE REPLACEMENT EQ-BALLISTIC	56,906	56,906
	TACTICAL		
02	JASSM	240,399	240,399
03	SIDEWINDER (AIM-9X)	88,020	88,020
04	AMRAAM	229,637	244,637
	Program increase		[15,000]
05	PREDATOR HELLFIRE MISSILE	47,675	47,675
06	SMALL DIAMETER BOMB	42,000	42,000
	INDUSTRIAL FACILITIES		
07	INDUSTRIAL PREPAREDNS/POL PREVENTION	744	744
	CLASS IV		
09	MM III MODIFICATIONS	54,794	54,794
10	AGM-65D MAVERICK	271	271
11	AGM-88A HARM	23,240	23,240
12	AIR LAUNCH CRUISE MISSILE (ALCM)	13,620	13,620
13	SMALL DIAMETER BOMB	5,000	5,000
	MISSILE SPARES AND REPAIR PARTS		
14	INITIAL SPARES/REPAIR PARTS	74,373	74,373
	SPACE PROGRAMS		
15	ADVANCED EHF	557,205	557,205
17	WIDEBAND GAPFILLER SATELLITES(SPACE)	36,835	36,835
19	GPS III SPACE SEGMENT	410,294	410,294
20	ADVANCE PROCUREMENT (CY)	82,616	82,616
21	SPACEBORNE EQUIP (COMSEC)	10,554	10,554
22	GLOBAL POSITIONING (SPACE)	58,147	58,147
23	DEF METEOROLOGICAL SAT PROG(SPACE)	89,022	89,022
24	EVOLVED EXPENDABLE LAUNCH VEH(SPACE)	1,679,856	1,679,856
25	SBIR HIGH (SPACE)	454,251	454,251
	SPECIAL PROGRAMS		
30	SPECIAL UPDATE PROGRAMS	138,904	138,904
	CLASSIFIED PROGRAMS		
030A	CLASSIFIED PROGRAMS	1,097,483	1,097,483
	TOTAL, MISSILE PROCUREMENT, AIR FORCE	5,491,846	5,506,846
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
01	PASSENGER CARRYING VEHICLES	1,905	1,905
	CARGO AND UTILITY VEHICLES		
02	MEDIUM TACTICAL VEHICLE	18,547	18,547
03	CAP VEHICLES	932	932
04	ITEMS LESS THAN \$5 MILLION	1,699	1,699
	SPECIAL PURPOSE VEHICLES		
05	SECURITY AND TACTICAL VEHICLES	10,850	10,850
06	ITEMS LESS THAN \$5 MILLION	9,246	9,246
	FIRE FIGHTING EQUIPMENT		
07	FIRE FIGHTING/CRASH RESCUE VEHICLES	23,148	23,148
	MATERIALS HANDLING EQUIPMENT		
08	ITEMS LESS THAN \$5 MILLION	18,323	18,323
	BASE MAINTENANCE SUPPORT		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
09	RUNWAY SNOW REMOV AND CLEANING EQU	1,685	1,685
10	ITEMS LESS THAN \$5 MILLION	17,014	17,014
	COMM SECURITY EQUIPMENT(COMSEC)		
12	COMSEC EQUIPMENT	166,559	166,559
13	MODIFICATIONS (COMSEC)	1,133	1,133
	INTELLIGENCE PROGRAMS		
14	INTELLIGENCE TRAINING EQUIPMENT	2,749	2,749
15	INTELLIGENCE COMM EQUIPMENT	32,876	32,876
16	ADVANCE TECH SENSORS	877	877
17	MISSION PLANNING SYSTEMS	15,295	15,295
	ELECTRONICS PROGRAMS		
18	AIR TRAFFIC CONTROL & LANDING SYS	21,984	21,984
19	NATIONAL AIRSPACE SYSTEM	30,698	30,698
20	BATTLE CONTROL SYSTEM—FIXED	17,368	17,368
21	THEATER AIR CONTROL SYS IMPROVEMENTS	23,483	23,483
22	WEATHER OBSERVATION FORECAST	17,864	17,864
23	STRATEGIC COMMAND AND CONTROL	53,995	53,995
24	CHEYENNE MOUNTAIN COMPLEX	14,578	14,578
25	TAC SIGINT SPT	208	208
	SPCL COMM-ELECTRONICS PROJECTS		
27	GENERAL INFORMATION TECHNOLOGY	69,743	69,743
28	AF GLOBAL COMMAND & CONTROL SYS	15,829	15,829
29	MOBILITY COMMAND AND CONTROL	11,023	11,023
30	AIR FORCE PHYSICAL SECURITY SYSTEM	64,521	64,521
31	COMBAT TRAINING RANGES	18,217	18,217
32	C3 COUNTERMEASURES	11,899	11,899
33	GCSS-AF FOS	13,920	13,920
34	THEATER BATTLE MGT C2 SYSTEM	9,365	9,365
35	AIR & SPACE OPERATIONS CTR-WPN SYS	33,907	33,907
	AIR FORCE COMMUNICATIONS		
36	INFORMATION TRANSPORT SYSTEMS	52,464	52,464
38	AFNET	123,788	123,788
39	VOICE SYSTEMS	16,811	16,811
40	USCENTCOM	32,138	32,138
	DISA PROGRAMS		
41	SPACE BASED IR SENSOR PGM SPACE	47,135	47,135
42	NAVSTAR GPS SPACE	2,031	2,031
43	NUDET DETECTION SYS SPACE	5,564	5,564
44	AF SATELLITE CONTROL NETWORK SPACE	44,219	44,219
45	SPACELIFT RANGE SYSTEM SPACE	109,545	109,545
46	MILSATCOM SPACE	47,592	47,592
47	SPACE MODS SPACE	47,121	47,121
48	COUNTERSPACE SYSTEM	20,961	20,961
	ORGANIZATION AND BASE		
49	TACTICAL C-E EQUIPMENT	126,131	126,131
50	COMBAT SURVIVOR EVADER LOCATER	23,707	23,707
51	RADIO EQUIPMENT	12,757	12,757
52	CCTV/AUDIOVISUAL EQUIPMENT	10,716	10,716
53	BASE COMM INFRASTRUCTURE	74,528	74,528
	MODIFICATIONS		
54	COMM ELECT MODS	43,507	43,507
	PERSONAL SAFETY & RESCUE EQUIP		
55	NIGHT VISION GOGGLES	22,693	22,693
56	ITEMS LESS THAN \$5 MILLION	30,887	30,887
	DEPOT PLANT+MTRLS HANDLING EQ		
57	MECHANIZED MATERIAL HANDLING EQUIP	2,850	2,850
	BASE SUPPORT EQUIPMENT		
58	BASE PROCURED EQUIPMENT	8,387	8,387
59	CONTINGENCY OPERATIONS	10,358	10,358
60	PRODUCTIVITY CAPITAL INVESTMENT	3,473	3,473
62	MOBILITY EQUIPMENT	14,471	14,471
63	ITEMS LESS THAN \$5 MILLION	1,894	1,894
	SPECIAL SUPPORT PROJECTS		
65	DARP RC135	24,176	24,176
66	DCGS-AF	142,928	142,928
68	SPECIAL UPDATE PROGRAM	479,446	479,446
69	DEFENSE SPACE RECONNAISSANCE PROG.	39,155	39,155
	CLASSIFIED PROGRAMS		
069A	CLASSIFIED PROGRAMS	14,331,312	14,331,312
	SPARES AND REPAIR PARTS		
71	SPARES AND REPAIR PARTS	14,663	14,663
	TOTAL, OTHER PROCUREMENT, AIR FORCE	16,720,848	16,720,848
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, OSD		
42	MAJOR EQUIPMENT, OSD	45,938	45,938
43	MAJOR EQUIPMENT, INTELLIGENCE	17,582	17,582
	MAJOR EQUIPMENT, NSA		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
41	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	6,770	6,770
	MAJOR EQUIPMENT, WHS		
45	MAJOR EQUIPMENT, WHS	26,550	26,550
	MAJOR EQUIPMENT, DISA		
12	INFORMATION SYSTEMS SECURITY	12,708	12,708
14	GLOBAL COMBAT SUPPORT SYSTEM	3,002	3,002
15	TELEPORT PROGRAM	46,992	46,992
16	ITEMS LESS THAN \$5 MILLION	108,462	108,462
17	NET CENTRIC ENTERPRISE SERVICES (NCES)	2,865	2,865
18	DEFENSE INFORMATION SYSTEM NETWORK	116,906	116,906
19	PUBLIC KEY INFRASTRUCTURE	1,827	1,827
21	CYBER SECURITY INITIATIVE	10,319	10,319
	MAJOR EQUIPMENT, DLA		
22	MAJOR EQUIPMENT	9,575	9,575
	MAJOR EQUIPMENT, DSS		
26	MAJOR EQUIPMENT	2,522	2,522
	MAJOR EQUIPMENT, DCAA		
02	ITEMS LESS THAN \$5 MILLION	1,486	1,486
	MAJOR EQUIPMENT, TJS		
44	MAJOR EQUIPMENT, TJS	21,878	21,878
	MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY		
30	THAAD	460,728	587,728
	Procure 12 additional interceptors		[127,000]
31	AEGIS BMD	389,626	389,626
32	BMDs AN/TPY-2 RADARS	217,244	387,244
	Procure additional AN/TPY-2 radar		[170,000]
33	RADAR SPARES	10,177	10,177
	MAJOR EQUIPMENT, DHRA		
05	PERSONNEL ADMINISTRATION	6,147	6,147
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY		
27	VEHICLES	50	50
28	OTHER MAJOR EQUIPMENT	13,096	13,096
	MAJOR EQUIPMENT, DODEA		
24	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	1,458	1,458
	MAJOR EQUIPMENT, DCMA		
03	MAJOR EQUIPMENT	2,129	2,129
	MAJOR EQUIPMENT, DMACT		
23	MAJOR EQUIPMENT	15,179	15,179
	CLASSIFIED PROGRAMS		
045A	CLASSIFIED PROGRAMS	555,787	555,787
	AVIATION PROGRAMS		
46	ROTARY WING UPGRADES AND SUSTAINMENT	74,832	74,832
48	MH-60 MODERNIZATION PROGRAM	126,780	126,780
49	NON-STANDARD AVIATION	99,776	36,976
	Transfer to Line 051—Mission Shift		[-62,800]
51	U-28	7,530	116,930
	Program increase		[46,600]
	Transfer from Line 049—Mission Shift		[62,800]
52	MH-47 CHINOOK	134,785	134,785
53	RQ-11 UNMANNED AERIAL VEHICLE	2,062	2,062
54	CV-22 MODIFICATION	139,147	139,147
55	MQ-1 UNMANNED AERIAL VEHICLE	3,963	26,963
	Program increase		[23,000]
56	MQ-9 UNMANNED AERIAL VEHICLE	3,952	39,352
	Program increase		[35,400]
58	STUASL0	12,945	12,945
59	PRECISION STRIKE PACKAGE	73,013	73,013
60	AC/MC-130J	51,484	51,484
62	C-130 MODIFICATIONS	25,248	25,248
63	AIRCRAFT SUPPORT	5,314	5,314
	SHIPBUILDING		
64	UNDERWATER SYSTEMS	23,037	23,037
	AMMUNITION PROGRAMS		
66	ORDNANCE REPLENISHMENT	113,183	113,183
67	ORDNANCE ACQUISITION	36,981	36,981
	OTHER PROCUREMENT PROGRAMS		
68	COMMUNICATIONS EQUIPMENT AND ELECTRONICS	99,838	103,738
	Program increase		[3,900]
69	INTELLIGENCE SYSTEMS	71,428	71,428
70	SMALL ARMS AND WEAPONS	27,108	27,108
71	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	12,767	12,767
74	COMBATANT CRAFT SYSTEMS	42,348	42,348
75	SPARES AND REPAIR PARTS	600	600
77	TACTICAL VEHICLES	37,421	37,421
78	MISSION TRAINING AND PREPARATION SYSTEMS	36,949	41,949
	Program increase		[5,000]
79	COMBAT MISSION REQUIREMENTS	20,255	20,255
80	MILCON COLLATERAL EQUIPMENT	17,590	17,590

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
82	AUTOMATION SYSTEMS	66,573	66,573
83	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	6,549	6,549
84	OPERATIONAL ENHANCEMENTS INTELLIGENCE	32,335	32,335
85	SOLDIER PROTECTION AND SURVIVAL SYSTEMS	15,153	15,153
86	VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS	33,920	33,920
87	TACTICAL RADIO SYSTEMS	75,132	75,132
90	MISCELLANEOUS EQUIPMENT	6,667	6,667
91	OPERATIONAL ENHANCEMENTS	217,972	243,272
	Program increase		[25,300]
92	MILITARY INFORMATION SUPPORT OPERATIONS	27,417	27,417
	CBDP		
93	INSTALLATION FORCE PROTECTION	24,025	24,025
94	INDIVIDUAL PROTECTION	73,720	73,720
95	DECONTAMINATION	506	506
96	JOINT BIO DEFENSE PROGRAM (MEDICAL)	32,597	32,597
97	COLLECTIVE PROTECTION	3,144	3,144
98	CONTAMINATION AVOIDANCE	164,886	164,886
	TOTAL, PROCUREMENT, DEFENSE-WIDE	4,187,935	4,624,135
	JOINT URGENT OPERATIONAL NEEDS FUND		
	JOINT URGENT OPERATIONAL NEEDS FUND		
01	JOINT URGENT OPERATIONAL NEEDS FUND	99,477	0
	Program reduction		[-99,477]
	TOTAL, JOINT URGENT OPERATIONAL NEEDS FUND	99,477	0
	TOTAL PROCUREMENT	97,432,379	99,121,919

1 SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY
2 OPERATIONS.

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
	AIRCRAFT PROCUREMENT, ARMY		
	ROTARY		
9	AH-64 APACHE BLOCK HIB NEW BUILD	71,000	71,000
12	KIOWA WARRIOR (OH-58F) WRA	183,900	183,900
15	CH-47 HELICOPTER	231,300	231,300
	TOTAL, AIRCRAFT PROCUREMENT, ARMY	486,200	486,200
	MISSILE PROCUREMENT, ARMY		
	AIR-TO-SURFACE MISSILE SYSTEM		
4	HELLFIRE SYS SUMMARY	29,100	29,100
	ANTI-TANK/ASSAULT MISSILE SYS		
8	GUIDED MLRS ROCKET (GMLRS)	20,553	20,553
	TOTAL, MISSILE PROCUREMENT, ARMY	49,653	49,653
	PROCUREMENT OF W&TCV, ARMY		
	MOD OF WEAPONS AND OTHER COMBAT VEH		
36	M16 RIFLE MODS	15,422	15,422
	TOTAL, PROCUREMENT OF W&TCV, ARMY	15,422	15,422
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
3	CTG, HANDGUN, ALL TYPES	1,500	1,500
4	CTG, .50 CAL, ALL TYPES	10,000	10,000
7	CTG, 30MM, ALL TYPES	80,000	61,000
	Pricing adjustments for target practice round and light-weight dual purpose round.		[-19,000]
	MORTAR AMMUNITION		
9	60MM MORTAR, ALL TYPES	14,000	14,000
10	81MM MORTAR, ALL TYPES	6,000	6,000
11	120MM MORTAR, ALL TYPES	56,000	56,000
	ARTILLERY AMMUNITION		
13	ARTILLERY CARTRIDGES, 75MM AND 105MM, ALL TYP	29,956	29,956
14	ARTILLERY PROJECTILE, 155MM, ALL TYPES	37,044	37,044
15	PROJ 155MM EXTENDED RANGE XM982	12,300	12,300
16	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	17,000	17,000
	MINES		
17	MINES & CLEARING CHARGES, ALL TYPES	12,000	12,000
	ROCKETS		

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
20	ROCKET, HYDRA 70, ALL TYPES	63,635	63,635
	OTHER AMMUNITION		
23	SIGNALS, ALL TYPES	16,858	16,858
	MISCELLANEOUS		
28	ITEMS LESS THAN \$5 MILLION	1,200	1,200
	TOTAL, PROCUREMENT OF AMMUNITION, ARMY	357,493	338,493
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
2	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	28,247	28,247
4	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	2,050	2,050
11	HMMWV RECAPITALIZATION PROGRAM	271,000	271,000
14	MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS	927,400	927,400
	COMM—INTELLIGENCE COMM		
52	RESERVE CA/MISO GPF EQUIPMENT	8,000	8,000
	COMM—BASE COMMUNICATIONS		
61	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM(.....	25,000	25,000
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
69	DCGS-A (MIP)	90,355	90,355
73	CI HUMINT AUTO REPRINTING AND COLLECTION	6,516	6,516
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
75	LIGHTWEIGHT COUNTER MORTAR RADAR	27,646	27,646
77	FMLY OF PERSISTENT SURVEILLANCE CAPABILITIES	52,000	52,000
78	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	205,209	205,209
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
92	MOD OF IN-SVC EQUIP (FIREFINDER RADARS)	14,600	14,600
99	COUNTERFIRE RADARS	54,585	54,585
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
102	FIRE SUPPORT C2 FAMILY	22,430	22,430
103	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM	2,400	2,400
112	MANEUVER CONTROL SYSTEM (MCS)	6,400	6,400
113	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	5,160	5,160
	CHEMICAL DEFENSIVE EQUIPMENT		
126	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	15,000	15,000
127	BASE DEFENSE SYSTEMS (BDS)	66,100	66,100
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
135	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	3,565	3,565
	COMBAT SERVICE SUPPORT EQUIPMENT		
143	FORCE PROVIDER	39,700	39,700
145	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	650	650
	PETROLEUM EQUIPMENT		
149	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	2,119	2,119
	MAINTENANCE EQUIPMENT		
152	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	428	428
153	ITEMS LESS THAN \$5 MILLION (MAINT EQ)	30	30
	TRAINING EQUIPMENT		
175	COMBAT TRAINING CENTERS SUPPORT	7,000	7,000
176	TRAINING DEVICES, NONSYSTEM	27,250	27,250
178	AVIATION COMBINED ARMS TACTICAL TRAINER	1,000	1,000
179	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING	5,900	5,900
	OTHER SUPPORT EQUIPMENT		
183	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	98,167	60,167
	Rapid equipping force delayed execution rates		[-38,000]
	TOTAL, OTHER PROCUREMENT, ARMY	2,015,907	1,977,907
	JOINT IMPR EXPLOSIVE DEV DEFEAT FUND		
	NETWORK ATTACK		
1	ATTACK THE NETWORK	950,500	950,500
	JIEDDO DEVICE DEFEAT		
2	DEFEAT THE DEVICE	400,000	400,000
	FORCE TRAINING		
3	TRAIN THE FORCE	149,500	149,500
	STAFF AND INFRASTRUCTURE		
4	OPERATIONS	175,400	402,800
	Transfer from title 1		[227,400]
	TOTAL, JOINT IMPR EXPLOSIVE DEV DEFEAT FUND	1,675,400	1,902,800
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
11	H-1 UPGRADES (UH-1Y/AH-1Z)	29,800	29,800
	MODIFICATION OF AIRCRAFT		
30	AV-8 SERIES	42,238	42,238
32	F-18 SERIES	41,243	41,243
35	H-53 SERIES	15,870	15,870
38	EP-3 SERIES	13,030	13,030
43	C-130 SERIES	16,737	16,737
48	SPECIAL PROJECT AIRCRAFT	2,714	2,714
54	COMMON AVIONICS CHANGES	570	570

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
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Line	Item	FY 2013 Request	House Authorized
AIRCRAFT SUPPORT EQUIP & FACILITIES			
62	COMMON GROUND EQUIPMENT	2,380	2,380
	TOTAL, AIRCRAFT PROCUREMENT, NAVY	164,582	164,582
WEAPONS PROCUREMENT, NAVY			
TACTICAL MISSILES			
9	HELLFIRE	17,000	17,000
10	STAND OFF PRECISION GUIDED MUNITIONS (SOPGM)	6,500	6,500
	TOTAL, WEAPONS PROCUREMENT, NAVY	23,500	23,500
PROCUREMENT OF AMMO, NAVY & MC			
NAVY AMMUNITION			
1	GENERAL PURPOSE BOMBS	18,000	18,000
2	AIRBORNE ROCKETS, ALL TYPES	80,200	80,200
3	MACHINE GUN AMMUNITION	21,500	21,500
6	AIR EXPENDABLE COUNTERMEASURES	20,303	20,303
11	OTHER SHIP GUN AMMUNITION	532	532
12	SMALL ARMS & LANDING PARTY AMMO	2,643	2,643
13	PYROTECHNIC AND DEMOLITION	2,322	2,322
14	AMMUNITION LESS THAN \$5 MILLION	6,308	6,308
MARINE CORPS AMMUNITION			
15	SMALL ARMS AMMUNITION	10,948	10,948
16	LINEAR CHARGES, ALL TYPES	9,940	9,940
17	40 MM, ALL TYPES	5,963	5,963
20	120MM, ALL TYPES	11,605	11,605
21	CTG 25MM, ALL TYPES	2,831	2,831
22	GRENADES, ALL TYPES	2,359	2,359
23	ROCKETS, ALL TYPES	3,051	3,051
24	ARTILLERY, ALL TYPES	54,886	54,886
25	DEMOLITION MUNITIONS, ALL TYPES	1,391	1,391
26	FUZE, ALL TYPES	30,945	30,945
27	NON LETHALS	8	8
29	ITEMS LESS THAN \$5 MILLION	12	12
	TOTAL, PROCUREMENT OF AMMO, NAVY & MC	285,747	285,747
OTHER PROCUREMENT, NAVY			
OTHER SHORE ELECTRONIC EQUIPMENT			
70	TACTICAL/MOBILE C4I SYSTEMS	3,603	3,603
AIRCRAFT SUPPORT EQUIPMENT			
97	EXPEDITIONARY AIRFIELDS	58,200	58,200
CIVIL ENGINEERING SUPPORT EQUIPMENT			
127	PASSENGER CARRYING VEHICLES	3,901	3,901
128	GENERAL PURPOSE TRUCKS	852	852
129	CONSTRUCTION & MAINTENANCE EQUIP	2,436	2,436
130	FIRE FIGHTING EQUIPMENT	3,798	3,798
131	TACTICAL VEHICLES	13,394	13,394
134	ITEMS UNDER \$5 MILLION	375	375
COMMAND SUPPORT EQUIPMENT			
149	C4ISR EQUIPMENT	3,000	3,000
151	PHYSICAL SECURITY EQUIPMENT	9,323	9,323
	TOTAL, OTHER PROCUREMENT, NAVY	98,882	98,882
PROCUREMENT, MARINE CORPS			
TRACKED COMBAT VEHICLES			
2	LAV PIP	10,000	10,000
ARTILLERY AND OTHER WEAPONS			
5	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	108,860	108,860
GUIDED MISSILES			
10	JAVELIN	29,158	29,158
OTHER SUPPORT			
13	MODIFICATION KITS	41,602	41,602
REPAIR AND TEST EQUIPMENT			
15	REPAIR AND TEST EQUIPMENT	13,632	13,632
OTHER SUPPORT (TEL)			
17	MODIFICATION KITS	2,831	2,831
COMMAND AND CONTROL SYSTEM (NON-TEL)			
19	AIR OPERATIONS C2 SYSTEMS	15,575	15,575
RADAR + EQUIPMENT (NON-TEL)			
20	RADAR SYSTEMS	8,015	8,015
INTELL/COMM EQUIPMENT (NON-TEL)			
23	INTELLIGENCE SUPPORT EQUIPMENT	35,310	35,310
OTHER COMM/ELEC EQUIPMENT (NON-TEL)			
29	NIGHT VISION EQUIPMENT	652	652
OTHER SUPPORT (NON-TEL)			
30	COMMON COMPUTER RESOURCES	19,807	19,807
32	RADIO SYSTEMS	36,482	36,482
33	COMM SWITCHING & CONTROL SYSTEMS	41,295	41,295
TACTICAL VEHICLES			

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
39	MEDIUM TACTICAL VEHICLE REPLACEMENT	10,466	10,466
41	FAMILY OF TACTICAL TRAILERS	7,642	7,642
	ENGINEER AND OTHER EQUIPMENT		
45	BULK LIQUID EQUIPMENT	18,239	18,239
46	TACTICAL FUEL SYSTEMS	51,359	51,359
47	POWER EQUIPMENT ASSORTED	20,247	20,247
49	EOD SYSTEMS	362,658	362,658
	MATERIALS HANDLING EQUIPMENT		
50	PHYSICAL SECURITY EQUIPMENT	55,500	55,500
52	MATERIAL HANDLING EQUIP	19,100	19,100
	GENERAL PROPERTY		
54	FIELD MEDICAL EQUIPMENT	15,751	15,751
55	TRAINING DEVICES	3,602	3,602
57	FAMILY OF CONSTRUCTION EQUIPMENT	15,900	15,900
	TOTAL, PROCUREMENT, MARINE CORPS	943,683	943,683
	AIRCRAFT PROCUREMENT, AIR FORCE		
	STRATEGIC AIRCRAFT		
35	LARGE AIRCRAFT INFRARED COUNTERMEASURES	139,800	139,800
	OTHER AIRCRAFT		
55	U-2 MODS	46,800	46,800
63	C-130	11,400	11,400
67	COMPASS CALL MODS	14,000	14,000
68	RC-135	8,000	8,000
75	HC/MC-130 MODIFICATIONS	4,700	4,700
	AIRCRAFT SPARES AND REPAIR PARTS		
81	INITIAL SPARES/REPAIR PARTS	21,900	21,900
	OTHER PRODUCTION CHARGES		
99	OTHER PRODUCTION CHARGES	59,000	59,000
	TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE	305,600	305,600
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	CARTRIDGES		
2	CARTRIDGES	13,592	13,592
	BOMBS		
4	GENERAL PURPOSE BOMBS	23,211	23,211
5	JOINT DIRECT ATTACK MUNITION	53,923	53,923
	FLARE, IR MJU-7B		
6	CAD/PAD	2,638	2,638
10	ITEMS LESS THAN \$5 MILLION	2,600	2,600
	FUZES		
11	FLARES	11,726	11,726
12	FUZES	8,513	8,513
	TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE	116,203	116,203
	MISSILE PROCUREMENT, AIR FORCE		
	TACTICAL		
5	PREDATOR HELLFIRE MISSILE	34,350	34,350
	TOTAL, MISSILE PROCUREMENT, AIR FORCE	34,350	34,350
	OTHER PROCUREMENT, AIR FORCE		
	CARGO AND UTILITY VEHICLES		
2	MEDIUM TACTICAL VEHICLE	2,010	2,010
4	ITEMS LESS THAN \$5 MILLION	2,675	2,675
	SPECIAL PURPOSE VEHICLES		
6	ITEMS LESS THAN \$5 MILLION	2,557	2,557
	MATERIALS HANDLING EQUIPMENT		
8	ITEMS LESS THAN \$5 MILLION	4,329	4,329
	BASE MAINTENANCE SUPPORT		
9	RUNWAY SNOW REMOV AND CLEANING EQU	984	984
10	ITEMS LESS THAN \$5 MILLION	9,120	9,120
	ELECTRONICS PROGRAMS		
22	WEATHER OBSERVATION FORECAST	5,600	5,600
	SPCL COMM-ELECTRONICS PROJECTS		
27	GENERAL INFORMATION TECHNOLOGY	11,157	11,157
	ORGANIZATION AND BASE		
49	TACTICAL C-E EQUIPMENT	7,000	7,000
53	BASE COMM INFRASTRUCTURE	10,654	10,654
	MODIFICATIONS		
54	COMM ELECT MODS	8,000	8,000
	PERSONAL SAFETY & RESCUE EQUIP		
55	NIGHT VISION GOGGLES	902	902
	BASE SUPPORT EQUIPMENT		
59	CONTINGENCY OPERATIONS	60,090	60,090
62	MOBILITY EQUIPMENT	9,400	9,400
63	ITEMS LESS THAN \$5 MILLION	9,175	9,175
	CLASSIFIED PROGRAMS		
069A	CLASSIFIED PROGRAMS	2,672,317	2,672,317

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
SPARES AND REPAIR PARTS			
71	SPARES AND REPAIR PARTS	2,300	2,300
	TOTAL, OTHER PROCUREMENT, AIR FORCE	2,818,270	2,818,270
PROCUREMENT, DEFENSE-WIDE			
MAJOR EQUIPMENT, DISA			
15	TELEPORT PROGRAM	5,260	5,260
CLASSIFIED PROGRAMS			
045A	CLASSIFIED PROGRAMS	126,201	126,201
AVIATION PROGRAMS			
61	MQ-8 UAV	16,500	16,500
OTHER PROCUREMENT PROGRAMS			
68	COMMUNICATIONS EQUIPMENT AND ELECTRONICS	151	151
69	INTELLIGENCE SYSTEMS	30,528	30,528
77	TACTICAL VEHICLES	1,843	1,843
82	AUTOMATION SYSTEMS	1,000	1,000
86	VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS	108	108
91	OPERATIONAL ENHANCEMENTS	14,758	14,758
	TOTAL, PROCUREMENT, DEFENSE-WIDE	196,349	196,349
JOINT URGENT OPERATIONAL NEEDS FUND			
JOINT URGENT OPERATIONAL NEEDS FUND			
1	JOINT URGENT OPERATIONAL NEEDS FUND	100,000	50,000
	Program reduction		[-50,000]
	TOTAL, JOINT URGENT OPERATIONAL NEEDS FUND	100,000	50,000
NATIONAL GUARD & RESERVE EQUIPMENT			
UNDISTRIBUTED			
999	MISCELLANEOUS EQUIPMENT		500,000
	Program increase		[500,000]
	TOTAL, NATIONAL GUARD & RESERVE EQUIPMENT		500,000
	TOTAL PROCUREMENT	9,687,241	10,307,641

1 **TITLE XLII—RESEARCH, DEVELOPMENT, TEST AND EVALUA-**
 2 **TION**
 3 **TION**
 4 **SEC. 4201. RESEARCH, DEVELOPMENT, TEST AND EVALUA-**
 5 **TION.**

SEC. 4201. RESEARCH, DEVELOPMENT, TEST AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized
RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY				
BASIC RESEARCH				
1	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	20,860	20,860
2	0601102A	DEFENSE RESEARCH SCIENCES	219,180	219,180
3	0601103A	UNIVERSITY RESEARCH INITIATIVES	80,986	80,986
4	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	123,045	123,045
		SUBTOTAL, BASIC RESEARCH	444,071	444,071
APPLIED RESEARCH				
5	0602105A	MATERIALS TECHNOLOGY	29,041	39,291
		Advanced coating technologies for corrosion mitigation		[10,250]
6	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY	45,260	45,260
7	0602122A	TRACTOR HIP	22,439	22,439
8	0602211A	AVIATION TECHNOLOGY	51,607	51,607
9	0602270A	ELECTRONIC WARFARE TECHNOLOGY	15,068	15,068
10	0602303A	MISSILE TECHNOLOGY	49,383	49,383
11	0602307A	ADVANCED WEAPONS TECHNOLOGY	25,999	25,999
12	0602308A	ADVANCED CONCEPTS AND SIMULATION	23,507	23,507
13	0602601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	69,062	69,062
14	0602618A	BALLISTICS TECHNOLOGY	60,823	60,823

SEC. 4201. RESEARCH, DEVELOPMENT, TEST AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized
15	0602622A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY.	4,465	4,465
16	0602623A	JOINT SERVICE SMALL ARMS PROGRAM	7,169	7,169
17	0602624A	WEAPONS AND MUNITIONS TECHNOLOGY	35,218	35,218
18	0602705A	ELECTRONICS AND ELECTRONIC DEVICES	60,300	60,300
19	0602709A	NIGHT VISION TECHNOLOGY	53,244	53,244
20	0602712A	COUNTERMINE SYSTEMS	18,850	18,850
21	0602716A	HUMAN FACTORS ENGINEERING TECHNOLOGY	19,872	19,872
22	0602720A	ENVIRONMENTAL QUALITY TECHNOLOGY	20,095	20,095
23	0602782A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY	28,852	28,852
24	0602783A	COMPUTER AND SOFTWARE TECHNOLOGY	9,830	9,830
25	0602784A	MILITARY ENGINEERING TECHNOLOGY	70,693	70,693
26	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	17,781	17,781
27	0602786A	WARFIGHTER TECHNOLOGY	28,281	28,281
28	0602787A	MEDICAL TECHNOLOGY	107,891	107,891
		SUBTOTAL, APPLIED RESEARCH	874,730	884,980
		ADVANCED TECHNOLOGY DEVELOPMENT		
29	0603001A	WARFIGHTER ADVANCED TECHNOLOGY	39,359	39,359
30	0603002A	MEDICAL ADVANCED TECHNOLOGY	69,580	69,580
31	0603003A	AVIATION ADVANCED TECHNOLOGY	64,215	64,215
32	0603004A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	67,613	67,613
33	0603005A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY.	104,359	104,359
34	0603006A	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY.	4,157	4,157
35	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY.	9,856	9,856
36	0603008A	ELECTRONIC WARFARE ADVANCED TECHNOLOGY	50,661	50,661
37	0603009A	TRACTOR HIKE	9,126	9,126
38	0603015A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS	17,257	17,257
39	0603020A	TRACTOR ROSE	9,925	9,925
40	0603105A	MILITARY HIV RESEARCH	6,984	6,984
41	0603125A	COMBATING TERRORISM—TECHNOLOGY DEVELOPMENT	9,716	9,716
42	0603130A	TRACTOR NAIL	3,487	3,487
43	0603131A	TRACTOR EGGS	2,323	2,323
44	0603270A	ELECTRONIC WARFARE TECHNOLOGY	21,683	21,683
45	0603313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY	71,111	71,111
46	0603322A	TRACTOR CAGE	10,902	10,902
47	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	180,582	180,582
48	0603606A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY	27,204	27,204
49	0603607A	JOINT SERVICE SMALL ARMS PROGRAM	6,095	6,095
50	0603710A	NIGHT VISION ADVANCED TECHNOLOGY	37,217	37,217
51	0603728A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS	13,626	13,626
52	0603734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY	28,458	28,458
53	0603772A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY.	25,226	25,226
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT	890,722	890,722
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
54	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION	14,505	14,505
55	0603308A	ARMY SPACE SYSTEMS INTEGRATION	9,876	9,876
56	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV	5,054	5,054
57	0603627A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS—ADV DEV	2,725	2,725
58	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	30,560	30,560
59	0603653A	ADVANCED TANK ARMAMENT SYSTEM (ATAS)	14,347	14,347
60	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	10,073	10,073
61	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV ...	8,660	8,660
62	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	10,715	10,715
63	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL	4,631	4,631
64	0603782A	WARFIGHTER INFORMATION NETWORK-TACTICAL—DEM/VAL	278,018	278,018
65	0603790A	NATO RESEARCH AND DEVELOPMENT	4,961	4,961
66	0603801A	AVIATION—ADV DEV	8,602	8,602
67	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV	14,605	14,605
68	0603805A	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION AND ANALYSIS.	5,054	5,054
69	0603807A	MEDICAL SYSTEMS—ADV DEV	24,384	24,384
70	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	32,050	32,050
71	0603850A	INTEGRATED BROADCAST SERVICE	96	96
72	0604115A	TECHNOLOGY MATURATION INITIATIVES	24,868	24,868
73	0604131A	TRACTOR JUTE	59	59
75	0604319A	INDIRECT FIRE PROTECTION CAPABILITY INCREMENT 2—INTERCEPT (IFPC2).	76,039	76,039
77	0604785A	INTEGRATED BASE DEFENSE (BUDGET ACTIVITY 4)	4,043	4,043
78	0305205A	ENDURANCE UAVS	26,196	26,196
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	610,121	610,121

SEC. 4201. RESEARCH, DEVELOPMENT, TEST AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized
SYSTEM DEVELOPMENT & DEMONSTRATION				
79	0604201A	AIRCRAFT AVIONICS	78,538	78,538
80	0604220A	ARMED, DEPLOYABLE HELOS	90,494	90,494
81	0604270A	ELECTRONIC WARFARE DEVELOPMENT	181,347	176,347
		Program adjustment		[-5,000]
83	0604290A	MID-TIER NETWORKING VEHICULAR RADIO (MNVR)	12,636	12,636
84	0604321A	ALL SOURCE ANALYSIS SYSTEM	5,694	5,694
85	0604328A	TRACTOR CAGE	32,095	32,095
86	0604601A	INFANTRY SUPPORT WEAPONS	96,478	93,078
		XM25 funding ahead of need		[-3,400]
87	0604604A	MEDIUM TACTICAL VEHICLES	3,006	3,006
89	0604611A	JAVELIN	5,040	5,040
90	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	3,077	3,077
91	0604633A	AIR TRAFFIC CONTROL	9,769	9,769
92	0604641A	TACTICAL UNMANNED GROUND VEHICLE (TUGV)	13,141	13,141
99	0604710A	NIGHT VISION SYSTEMS—ENG DEV	32,621	32,621
100	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	2,132	2,132
101	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV	44,787	44,787
102	0604716A	TERRAIN INFORMATION—ENG DEV	1,008	1,008
103	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE— ENG DEV.	73,333	73,333
104	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	28,937	28,937
105	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	10,815	10,815
106	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV ...	13,926	13,926
107	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE	17,797	17,797
108	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVALUATION	214,270	214,270
109	0604802A	WEAPONS AND MUNITIONS—ENG DEV	14,581	14,581
110	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV	43,706	43,706
111	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV	20,776	20,776
112	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIP- MENT—ENG DEV.	43,395	43,395
113	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV	104,983	104,983
114	0604814A	ARTILLERY MUNITIONS—EMD	4,346	4,346
116	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFT- WARE.	77,223	77,223
117	0604820A	RADAR DEVELOPMENT	3,486	3,486
118	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBs)	9,963	9,963
119	0604823A	FIREFINDER	20,517	20,517
120	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	51,851	51,851
121	0604854A	ARTILLERY SYSTEMS—EMD	167,797	167,797
122	0604869A	PATRIOT/MEADS COMBINED AGGREGATE PROGRAM (CAP)	400,861	0
		Prohibition of funds for MEADS		[-400,861]
123	0604870A	NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK ...	7,922	7,922
124	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	51,463	51,463
125	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS-A) ...	158,646	158,646
126	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	10,000	10,000
128	0605456A	PAC-3/MSE MISSILE	69,029	69,029
129	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD)	277,374	277,374
130	0605625A	MANNED GROUND VEHICLE	639,874	639,874
131	0605626A	AERIAL COMMON SENSOR	47,426	47,426
132	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	72,295	72,295
133	0303032A	TROJAN—RH12	4,232	4,232
134	0304270A	ELECTRONIC WARFARE DEVELOPMENT	13,942	13,942
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION	3,286,629	2,877,368
RDT&E MANAGEMENT SUPPORT				
135	0604256A	THREAT SIMULATOR DEVELOPMENT	18,090	18,090
136	0604258A	TARGET SYSTEMS DEVELOPMENT	14,034	14,034
137	0604759A	MAJOR T&E INVESTMENT	37,394	37,394
138	0605103A	RAND ARROYO CENTER	21,026	21,026
139	0605301A	ARMY KWAJALEIN ATOLL	176,816	176,816
140	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	27,902	27,902
142	0605601A	ARMY TEST RANGES AND FACILITIES	369,900	369,900
143	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS ...	69,183	69,183
144	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	44,753	44,753
146	0605606A	AIRCRAFT CERTIFICATION	5,762	5,762
147	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	7,402	7,402
148	0605706A	MATERIEL SYSTEMS ANALYSIS	19,954	19,954
149	0605709A	EXPLOITATION OF FOREIGN ITEMS	5,535	5,535
150	0605712A	SUPPORT OF OPERATIONAL TESTING	67,789	67,789
151	0605716A	ARMY EVALUATION CENTER	62,765	62,765
152	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG	1,545	1,545
153	0605801A	PROGRAMWIDE ACTIVITIES	83,422	83,422
154	0605803A	TECHNICAL INFORMATION ACTIVITIES	50,820	50,820
155	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFE- TY.	46,763	46,763

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156	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT	4,601	4,601
157	0605898A	MANAGEMENT HQ—R&D	18,524	18,524
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT	1,153,980	1,153,980
		OPERATIONAL SYSTEMS DEVELOPMENT		
159	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	143,005	143,005
161	0607865A	PATRIOT PRODUCT IMPROVEMENT	109,978	109,978
162	0102419A	AEROSTAT JOINT PROJECT OFFICE	190,422	171,422
		Program adjustment		[-19,000]
164	0203726A	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	32,556	32,556
165	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	253,959	253,959
166	0203740A	MANEUVER CONTROL SYSTEM	68,325	68,325
167	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PRO- GRAMS.	280,247	226,147
		Ahead of need		[-54,100]
168	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	898	898
169	0203758A	DIGITIZATION	35,180	35,180
171	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	20,733	20,733
172	0203808A	TRACTOR CARD	63,243	63,243
173	0208053A	JOINT TACTICAL GROUND SYSTEM	31,738	31,738
174	0208058A	JOINT HIGH SPEED VESSEL (JHSV)	35	35
176	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	7,591	7,591
177	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	15,961	15,961
178	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	120,927	120,927
179	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	15,756	15,756
180	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	14,443	14,443
182	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	31,303	31,303
183	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	40,876	40,876
184	0305219A	MQ-1 SKY WARRIOR A UAV	74,618	74,618
185	0305232A	RQ-11 UAV	4,039	4,039
186	0305233A	RQ-7 UAV	31,158	31,158
187	0305235A	VERTICAL UAS	2,387	2,387
188	0307665A	BIOMETRICS ENABLED INTELLIGENCE	15,248	15,248
189	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	59,908	59,908
189A	9999999999	CLASSIFIED PROGRAMS	4,628	4,628
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	1,669,162	1,596,062
		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.	8,929,415	8,457,304
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		BASIC RESEARCH		
1	0601103N	UNIVERSITY RESEARCH INITIATIVES	113,690	123,690
		Increase Defense University Research Instrumentation Program		[10,000]
2	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	18,261	18,261
3	0601153N	DEFENSE RESEARCH SCIENCES	473,070	473,070
003A	0601XXXX	SCIENCE AND TECHNOLOGY		3,450
		Transfer from PE 0205658N		[3,450]
		SUBTOTAL, BASIC RESEARCH	605,021	618,471
		APPLIED RESEARCH		
4	0602114N	POWER PROJECTION APPLIED RESEARCH	89,189	89,189
5	0602123N	FORCE PROTECTION APPLIED RESEARCH	143,301	143,301
6	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	46,528	46,528
7	0602235N	COMMON PICTURE APPLIED RESEARCH	41,696	41,696
8	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	44,127	44,127
9	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH	78,228	78,228
10	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	49,635	49,635
11	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	5,973	5,973
12	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	96,814	96,814
13	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH	162,417	162,417
14	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	32,394	32,394
		SUBTOTAL, APPLIED RESEARCH	790,302	790,302
		ADVANCED TECHNOLOGY DEVELOPMENT		
15	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY	56,543	56,543
16	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	18,616	18,616
19	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY	54,858	54,858
20	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	130,598	130,598
21	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT	11,706	11,706
22	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DE- VELOPMENT.	256,382	256,382
23	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	3,880	3,880
25	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS	51,819	51,819
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT	584,402	584,402
		ADVANCED COMPONENT DEVELOPMENT & PROTO- TYPES		

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Line	Program Element	Item	FY 2013 Request	House Authorized
28	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	34,085	34,085
29	0603216N	AVIATION SURVIVABILITY	8,783	8,783
30	0603237N	DEPLOYABLE JOINT COMMAND AND CONTROL	3,773	3,773
31	0603251N	AIRCRAFT SYSTEMS	24,512	24,512
32	0603254N	ASW SYSTEMS DEVELOPMENT	8,090	8,090
33	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	5,301	5,301
34	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	1,506	1,506
35	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES ...	190,622	190,622
36	0603506N	SURFACE SHIP TORPEDO DEFENSE	93,346	93,346
37	0603512N	CARRIER SYSTEMS DEVELOPMENT	108,871	108,871
39	0603525N	PILOT FISH	101,169	101,169
40	0603527N	RETRACT LARCH	74,312	74,312
41	0603536N	RETRACT JUNIPER	90,730	90,730
42	0603542N	RADIOLOGICAL CONTROL	777	777
43	0603553N	SURFACE ASW	6,704	6,704
44	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	555,123	929,523
		Program increase		[374,400]
45	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	9,368	9,368
46	0603563N	SHIP CONCEPT ADVANCED DESIGN	24,609	24,609
47	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	13,710	13,710
48	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	249,748	249,748
49	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	29,897	29,897
50	0603576N	CHALK EAGLE	509,988	509,988
51	0603581N	LITTORAL COMBAT SHIP (LCS)	429,420	429,420
52	0603582N	COMBAT SYSTEM INTEGRATION	56,551	56,551
53	0603609N	CONVENTIONAL MUNITIONS	7,342	7,342
54	0603611M	MARINE CORPS ASSAULT VEHICLES	95,182	95,182
55	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	10,496	10,496
56	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	52,331	52,331
57	0603658N	COOPERATIVE ENGAGEMENT	56,512	56,512
58	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	7,029	7,029
59	0603721N	ENVIRONMENTAL PROTECTION	21,080	21,080
60	0603724N	NAVY ENERGY PROGRAM	55,324	55,324
61	0603725N	FACILITIES IMPROVEMENT	3,401	3,401
62	0603734N	CHALK CORAL	45,966	45,966
63	0603739N	NAVY LOGISTIC PRODUCTIVITY	3,811	3,811
64	0603746N	RETRACT MAPLE	341,305	341,305
65	0603748N	LINK PLUMERIA	181,220	181,220
66	0603751N	RETRACT ELM	174,014	174,014
68	0603764N	LINK EVERGREEN	68,654	68,654
69	0603787N	SPECIAL PROCESSES	44,487	44,487
70	0603790N	NATO RESEARCH AND DEVELOPMENT	9,389	9,389
71	0603795N	LAND ATTACK TECHNOLOGY	16,132	16,132
72	0603851M	JOINT NON-LETHAL WEAPONS TESTING	44,994	44,994
73	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/ VAL.	137,369	137,369
76	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM).	73,934	73,934
77	0604279N	ASE SELF-PROTECTION OPTIMIZATION	711	711
78	0604653N	JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WAR- FARE (JCREW).	71,300	71,300
79	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM	5,654	5,654
80	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ ENGINEERING SUPPORT.	31,549	31,549
82	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOP- MENT.	86,801	86,801
83	0605812M	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	44,500	44,500
84	0303354N	ASW SYSTEMS DEVELOPMENT—MIP	13,172	13,172
86	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP	643	643
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	4,335,297	4,709,697
		SYSTEM DEVELOPMENT & DEMONSTRATION		
87	0604212N	OTHER HELO DEVELOPMENT	33,978	33,978
88	0604214N	AV-8B AIRCRAFT—ENG DEV	32,789	32,789
89	0604215N	STANDARDS DEVELOPMENT	84,988	84,988
90	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT	6,866	6,866
91	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING	4,060	4,060
92	0604221N	P-3 MODERNIZATION PROGRAM	3,451	3,451
93	0604230N	WARFARE SUPPORT SYSTEM	13,071	13,071
94	0604231N	TACTICAL COMMAND SYSTEM	71,645	71,645
95	0604234N	ADVANCED HAWKEYE	119,065	119,065
96	0604245N	H-1 UPGRADES	31,105	31,105
97	0604261N	ACOUSTIC SEARCH SENSORS	34,299	34,299
98	0604262N	V-22A	54,412	54,412
99	0604264N	AIR CREW SYSTEMS DEVELOPMENT	2,717	2,717
100	0604269N	EA-18	13,009	13,009

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Line	Program Element	Item	FY 2013 Request	House Authorized
101	0604270N	ELECTRONIC WARFARE DEVELOPMENT	51,304	51,304
102	0604273N	VH-71A EXECUTIVE HELO DEVELOPMENT	61,163	61,163
103	0604274N	NEXT GENERATION JAMMER (NGJ)	187,024	187,024
104	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY)	337,480	337,480
105	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	260,616	510,616
		Cruiser Retention		[250,000]
106	0604311N	LPD-17 CLASS SYSTEMS INTEGRATION	824	824
107	0604329N	SMALL DIAMETER BOMB (SDB)	31,064	31,064
108	0604366N	STANDARD MISSILE IMPROVEMENTS	63,891	63,891
109	0604373N	AIRBORNE MCM	73,246	73,246
110	0604376M	MARINE AIR GROUND TASK FORCE (MAGTF) ELECTRONIC WARFARE (EW) FOR AVIATION.	10,568	10,568
111	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING.	39,974	39,974
112	0604404N	UNMANNED CARRIER LAUNCHED AIRBORNE SURVEILLANCE AND STRIKE (UCLASS) SYSTEM.	122,481	47,481
		Transfer from RDN 112 to RDN 167		[-75,000]
113	0604501N	ADVANCED ABOVE WATER SENSORS	255,516	255,516
114	0604503N	SSN-688 AND TRIDENT MODERNIZATION	82,620	82,620
115	0604504N	AIR CONTROL	5,633	5,633
116	0604512N	SHIPBOARD AVIATION SYSTEMS	55,826	55,826
117	0604518N	COMBAT INFORMATION CENTER CONVERSION	918	918
118	0604558N	NEW DESIGN SSN	165,230	165,230
119	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	49,141	49,141
120	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	196,737	196,737
121	0604574N	NAVY TACTICAL COMPUTER RESOURCES	3,889	3,889
122	0604601N	MINE DEVELOPMENT	8,335	8,335
123	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	49,818	49,818
124	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	10,099	10,099
125	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	7,348	7,348
126	0604727N	JOINT STANDOFF WEAPON SYSTEMS	5,518	5,518
127	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	87,662	87,662
128	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	64,079	64,079
129	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	151,489	152,614
		Cruiser Retention		[1,125]
131	0604771N	MEDICAL DEVELOPMENT	12,707	12,707
132	0604777N	NAVIGATION/ID SYSTEM	47,764	47,764
133	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD	737,149	737,149
134	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD	743,926	743,926
135	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	12,143	12,143
136	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	72,209	72,209
138	0605212N	CH-53K RDTE	606,204	606,204
140	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA)	421,102	421,102
141	0204202N	DDG-1000	124,655	124,655
142	0304231N	TACTICAL COMMAND SYSTEM—MIP	1,170	1,170
144	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS	23,255	23,255
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION.	5,747,232	5,923,357
		RDT&E MANAGEMENT SUPPORT		
146	0604256N	THREAT SIMULATOR DEVELOPMENT	30,790	30,790
147	0604258N	TARGET SYSTEMS DEVELOPMENT	59,221	59,221
148	0604759N	MAJOR T&E INVESTMENT	35,894	35,894
149	0605126N	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION ..	7,573	7,573
150	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	20,963	20,963
151	0605154N	CENTER FOR NAVAL ANALYSES	46,856	46,856
153	0605804N	TECHNICAL INFORMATION SERVICES	796	796
154	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	32,782	32,782
155	0605856N	STRATEGIC TECHNICAL SUPPORT	3,306	3,306
156	0605861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	70,302	70,302
157	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	144,033	144,033
158	0605864N	TEST AND EVALUATION SUPPORT	342,298	342,298
159	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY	16,399	16,399
160	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	4,579	4,579
161	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	8,000	8,000
162	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	18,490	18,490
163	0305885N	TACTICAL CRYPTOLOGIC ACTIVITIES	2,795	2,795
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT	845,077	845,077
		OPERATIONAL SYSTEMS DEVELOPMENT		
167	0604402N	UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPO- NENT AND PROTOTYPE DEVELOPMENT.	142,282	217,282
		Transfer from RDN 112 to RDN 167		[75,000]
170	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	105,892	105,892
171	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	34,729	34,729
172	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	1,434	1,434
173	0101402N	NAVY STRATEGIC COMMUNICATIONS	19,208	19,208
174	0203761N	RAPID TECHNOLOGY TRANSITION (RTT)	25,566	25,566

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175	0204136N	F/A-18 SQUADRONS	188,299	188,299
176	0204152N	E-2 SQUADRONS	8,610	8,610
177	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL)	15,695	15,695
178	0204228N	SURFACE SUPPORT	4,171	4,171
179	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	11,265	11,265
180	0204311N	INTEGRATED SURVEILLANCE SYSTEM	45,922	45,922
181	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT)	8,435	8,435
182	0204460M	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	75,088	75,088
183	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	20,229	20,229
184	0204574N	CRYPTOLOGIC DIRECT SUPPORT	1,756	1,756
185	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT	19,843	19,843
186	0205601N	HARM IMPROVEMENT	11,477	11,477
187	0205604N	TACTICAL DATA LINKS	118,818	118,818
188	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	27,342	27,342
189	0205632N	MK-48 ADCAP	28,717	28,717
190	0205633N	AVIATION IMPROVEMENTS	89,157	89,157
191	0205658N	NAVY SCIENCE ASSISTANCE PROGRAM	3,450	0
		Transfer to Science and Technology (RDN 003A)		[-3,450]
192	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	86,435	86,435
193	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	219,054	219,054
194	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	181,693	181,693
195	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	58,393	58,393
196	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP)	22,966	22,966
197	0207161N	TACTICAL AIM MISSILES	21,107	21,107
198	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	2,857	2,857
199	0208058N	JOINT HIGH SPEED VESSEL (JHSV)	1,932	1,932
204	0303109N	SATELLITE COMMUNICATIONS (SPACE)	188,482	188,482
205	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES)	16,749	16,749
206	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	26,307	26,307
207	0303150M	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	500	500
210	0305149N	COBRA JUDY	17,091	17,091
211	0305160N	NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC)	810	810
212	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES	8,617	8,617
213	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	9,066	9,066
215	0305207N	MANNED RECONNAISSANCE SYSTEMS	30,654	30,654
216	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	25,917	25,917
217	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	14,676	14,676
218	0305220N	RQ-4 UAV	657,483	657,483
219	0305231N	MQ-8 UAV	99,600	99,600
220	0305232M	RQ-11 UAV	495	495
221	0305233N	RQ-7 UAV	863	863
223	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	9,734	9,734
225	0305239M	RQ-21A	22,343	22,343
226	0308601N	MODELING AND SIMULATION SUPPORT	5,908	5,908
227	0702207N	DEPOT MAINTENANCE (NON-IF)	27,391	27,391
229	0708011N	INDUSTRIAL PREPAREDNESS	54,879	54,879
230	0708730N	MARITIME TECHNOLOGY (MARITECH)	5,000	5,000
230A	9999999999	CLASSIFIED PROGRAMS	1,151,159	1,351,159
		Program increase		[200,000]
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	3,975,546	4,247,096
		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY	16,882,877	17,718,402
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF		
		BASIC RESEARCH		
1	0601102F	DEFENSE RESEARCH SCIENCES	361,787	361,787
2	0601103F	UNIVERSITY RESEARCH INITIATIVES	141,153	141,153
3	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES	13,094	13,094
		SUBTOTAL, BASIC RESEARCH	516,034	516,034
		APPLIED RESEARCH		
4	0602102F	MATERIALS	114,166	114,166
5	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	120,719	120,719
6	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	89,319	89,319
7	0602203F	AEROSPACE PROPULSION	232,547	232,547
8	0602204F	AEROSPACE SENSORS	127,637	127,637
9	0602601F	SPACE TECHNOLOGY	98,375	98,375
10	0602602F	CONVENTIONAL MUNITIONS	77,175	77,175
11	0602605F	DIRECTED ENERGY TECHNOLOGY	106,196	106,196
12	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS	104,362	104,362
13	0602890F	HIGH ENERGY LASER RESEARCH	38,557	38,557
		SUBTOTAL, APPLIED RESEARCH	1,109,053	1,109,053

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Line	Program Element	Item	FY 2013 Request	House Authorized
ADVANCED TECHNOLOGY DEVELOPMENT				
14	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	47,890	57,890
		Increase Materials Affordability Initiative program		[10,000]
15	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)	6,565	6,565
16	0603203F	ADVANCED AEROSPACE SENSORS	37,657	37,657
17	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO	81,376	81,376
18	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY	151,152	151,152
19	0603270F	ELECTRONIC COMBAT TECHNOLOGY	32,941	32,941
20	0603401F	ADVANCED SPACECRAFT TECHNOLOGY	64,557	64,557
21	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	29,256	29,256
22	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT.	21,523	21,523
23	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY	36,352	36,352
24	0603605F	ADVANCED WEAPONS TECHNOLOGY	19,004	19,004
25	0603680F	MANUFACTURING TECHNOLOGY PROGRAM	37,045	37,045
26	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION.	31,419	31,419
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT	596,737	606,737
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES				
28	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	3,866	3,866
29	0603287F	PHYSICAL SECURITY EQUIPMENT	3,704	3,704
30	0603430F	ADVANCED EHF MILSATCOM (SPACE)	229,171	227,671
		Project decrease		[-1,500]
31	0603432F	POLAR MILSATCOM (SPACE)	120,676	120,676
32	0603438F	SPACE CONTROL TECHNOLOGY	25,144	23,144
		Project decrease		[-2,000]
33	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	32,243	32,243
34	0603790F	NATO RESEARCH AND DEVELOPMENT	4,507	4,507
35	0603791F	INTERNATIONAL SPACE COOPERATIVE R&D	652	652
36	0603830F	SPACE PROTECTION PROGRAM (SPP)	10,429	10,429
37	0603850F	INTEGRATED BROADCAST SERVICE—DEM/VAL	19,938	19,938
38	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL	71,181	71,181
39	0603854F	WIDEBAND GLOBAL SATCOM RDT&E (SPACE)	12,027	12,027
40	0603859F	POLLUTION PREVENTION—DEM/VAL	2,054	2,054
41	0603860F	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL.	57,975	57,975
42	0604015F	LONG RANGE STRIKE	291,742	291,742
43	0604283F	BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT	114,417	114,417
44	0604317F	TECHNOLOGY TRANSFER	2,576	2,576
45	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM.	16,711	16,711
47	0604337F	REQUIREMENTS ANALYSIS AND MATURATION	16,343	16,343
48	0604422F	WEATHER SATELLITE FOLLOW-ON	2,000	2,000
50	0604635F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT	9,423	9,423
54	0604857F	OPERATIONALLY RESPONSIVE SPACE		25,000
		Operationally Responsive Space		[25,000]
55	0604858F	TECH TRANSITION PROGRAM	37,558	34,558
		Project decrease		[-3,000]
56	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE).	96,840	96,840
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	1,181,177	1,199,677
SYSTEM DEVELOPMENT & DEMONSTRATION				
58	0603840F	GLOBAL BROADCAST SERVICE (GBS)	14,652	14,652
59	0604222F	NUCLEAR WEAPONS SUPPORT	25,713	25,713
60	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	6,583	6,583
61	0604270F	ELECTRONIC WARFARE DEVELOPMENT	1,975	1,975
62	0604280F	JOINT TACTICAL RADIO	2,594	2,594
63	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	24,534	24,534
64	0604287F	PHYSICAL SECURITY EQUIPMENT	51	51
65	0604329F	SMALL DIAMETER BOMB (SDB)—EMD	143,000	143,000
66	0604421F	COUNTERSPACE SYSTEMS	28,797	28,797
67	0604425F	SPACE SITUATION AWARENESS SYSTEMS	267,252	267,252
68	0604429F	AIRBORNE ELECTRONIC ATTACK	4,118	4,118
69	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	448,594	446,594
		Project decrease		[-2,000]
70	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	9,951	9,951
71	0604604F	SUBMUNITIONS	2,567	2,567
72	0604617F	AGILE COMBAT SUPPORT	13,059	13,059
73	0604706F	LIFE SUPPORT SYSTEMS	9,720	9,720
74	0604735F	COMBAT TRAINING RANGES	9,222	9,222
76	0604750F	INTELLIGENCE EQUIPMENT	803	803
77	0604800F	F-35—EMD	1,210,306	1,210,306
78	0604851F	INTERCONTINENTAL BALLISTIC MISSILE—EMD	135,437	135,437

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79	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)—EMD.	7,980	7,980
80	0604932F	LONG RANGE STANDOFF WEAPON	2,004	2,004
81	0604933F	ICBM FUZE MODERNIZATION	73,512	73,512
82	0605213F	F-22 MODERNIZATION INCREMENT 3.2B	140,100	140,100
83	0605221F	NEXT GENERATION AERIAL REFUELING AIRCRAFT	1,815,588	1,815,588
84	0605229F	CSAR HH-60 RECAPITALIZATION	123,210	123,210
85	0605278F	HC/MC-130 RECAP RDT&E	19,039	19,039
86	0605931F	B-2 DEFENSIVE MANAGEMENT SYSTEM	281,056	281,056
87	0101125F	NUCLEAR WEAPONS MODERNIZATION	80,200	80,200
89	0207604F	READINESS TRAINING RANGES, OPERATIONS AND MAINTENANCE.	310	310
90	0207701F	FULL COMBAT MISSION TRAINING	14,861	14,861
91	0305230F	MC-12	19,949	19,949
92	0401138F	C-27J AIRLIFT SQUADRONS		25,000
		Joint Cargo Aircraft		[25,000]
93	0401318F	CV-22	28,027	28,027
94	0401845F	AIRBORNE SENIOR LEADER C3 (SLC3S)	1,960	1,960
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION.	4,966,724	4,989,724
		RDT&E MANAGEMENT SUPPORT		
95	0604256F	THREAT SIMULATOR DEVELOPMENT	22,812	22,812
96	0604759F	MAJOR T&E INVESTMENT	42,236	42,236
97	0605101F	RAND PROJECT AIR FORCE	25,579	25,579
99	0605712F	INITIAL OPERATIONAL TEST & EVALUATION	16,197	16,197
100	0605807F	TEST AND EVALUATION SUPPORT	722,071	722,071
101	0605860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	16,200	16,200
102	0605864F	SPACE TEST PROGRAM (STP)	10,051	45,001
		Program increase		[34,950]
103	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT.	42,597	42,597
104	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT.	27,301	27,301
105	0606323F	MULTI-SERVICE SYSTEMS ENGINEERING INITIATIVE	13,964	13,964
106	0606392F	SPACE AND MISSILE CENTER (SMC) CIVILIAN WORKFORCE	203,766	203,766
107	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	42,430	42,430
108	0804731F	GENERAL SKILL TRAINING	1,294	1,294
111	1001004F	INTERNATIONAL ACTIVITIES	3,851	3,851
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT	1,190,349	1,225,299
		OPERATIONAL SYSTEMS DEVELOPMENT		
112	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT.	371,595	370,095
		Project decrease		[-1,500]
114	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS)	91,697	91,697
115	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	17,037	17,037
117	0101113F	B-52 SQUADRONS	53,208	53,208
118	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	431	431
119	0101126F	B-1B SQUADRONS	16,265	16,265
120	0101127F	B-2 SQUADRONS	35,970	35,970
121	0101313F	STRAT WAR PLANNING SYSTEM—USSTRATCOM	30,889	30,889
122	0101314F	NIGHT FIST—USSTRATCOM	10	10
124	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM.	5,609	5,609
126	0203761F	WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRANSITION FUND.	15,098	15,098
127	0205219F	MQ-9 UAV	147,971	147,971
128	0207040F	MULTI-PLATFORM ELECTRONIC WARFARE EQUIPMENT	49,848	49,848
129	0207131F	A-10 SQUADRONS	13,538	13,538
130	0207133F	F-16 SQUADRONS	190,257	190,257
131	0207134F	F-15E SQUADRONS	192,677	192,677
132	0207136F	MANNED DESTRUCTIVE SUPPRESSION	13,683	13,683
133	0207138F	F-22A SQUADRONS	371,667	371,667
134	0207142F	F-35 SQUADRONS	8,117	8,117
135	0207161F	TACTICAL AIM MISSILES	8,234	8,234
136	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	87,041	87,041
137	0207170F	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS)	1,472	1,472
138	0207224F	COMBAT RESCUE AND RECOVERY	2,095	2,095
139	0207227F	COMBAT RESCUE—PARARESCUE	1,119	1,119
140	0207247F	AF TENCAP	63,853	63,853
141	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	1,063	1,063
142	0207253F	COMPASS CALL	12,094	12,094
143	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	187,984	187,984
145	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	7,950	7,950
146	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	76,315	76,315
147	0207412F	CONTROL AND REPORTING CENTER (CRC)	8,653	8,653
148	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	65,200	65,200

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149	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS	5,767	5,767
152	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	5,756	5,756
154	0207444F	TACTICAL AIR CONTROL PARTY-MOD	16,226	16,226
156	0207448F	C2ISR TACTICAL DATA LINK	1,633	1,633
157	0207449F	COMMAND AND CONTROL (C2) CONSTELLATION	18,086	18,086
158	0207452F	DCAPES	15,690	15,690
159	0207581F	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS)	24,241	24,241
160	0207590F	SEEK EAGLE	22,654	22,654
161	0207601F	USAF MODELING AND SIMULATION	15,501	15,501
162	0207605F	WARGAMING AND SIMULATION CENTERS	5,699	5,699
163	0207697F	DISTRIBUTED TRAINING AND EXERCISES	4,425	4,425
164	0208006F	MISSION PLANNING SYSTEMS	69,377	69,377
165	0208021F	INFORMATION WARFARE SUPPORT	7,159	7,159
166	0208059F	CYBER COMMAND ACTIVITIES	66,888	66,888
174	0301400F	SPACE SUPERIORITY INTELLIGENCE	12,056	12,056
175	0302015F	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC)	4,159	4,159
176	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	20,124	20,124
177	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	69,133	69,133
178	0303141F	GLOBAL COMBAT SUPPORT SYSTEM	6,512	6,512
179	0303150F	GLOBAL COMMAND AND CONTROL SYSTEM	4,316	4,316
180	0303601F	MILSATCOM TERMINALS	107,237	107,237
182	0304260F	AIRBORNE SIGINT ENTERPRISE	129,106	129,106
185	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	4,461	4,461
186	0305103F	CYBER SECURITY INITIATIVE	2,055	2,055
187	0305105F	DOD CYBER CRIME CENTER	285	285
188	0305110F	SATELLITE CONTROL NETWORK (SPACE)	33,773	33,773
189	0305111F	WEATHER SERVICE	29,048	29,048
190	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALs)	43,187	43,187
191	0305116F	AERIAL TARGETS	50,496	50,496
194	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	354	354
195	0305145F	ARMS CONTROL IMPLEMENTATION	4,000	4,000
196	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	342	342
198	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE)	29,621	29,621
199	0305165F	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS)	14,335	14,335
201	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER	3,680	3,680
202	0305174F	SPACE INNOVATION AND DEVELOPMENT CENTER	2,430	2,430
203	0305182F	SPACELIFT RANGE SYSTEM (SPACE)	8,760	8,760
205	0305202F	DRAGON U-2	23,644	23,644
206	0305205F	ENDURANCE UNMANNED AERIAL VEHICLES	21,000	21,000
207	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	96,735	96,735
208	0305207F	MANNED RECONNAISSANCE SYSTEMS	13,316	13,316
209	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	63,501	63,501
210	0305219F	MQ-1 PREDATOR A UAV	9,122	9,122
211	0305220F	RQ-4 UAV	236,265	236,265
212	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING	7,367	7,367
213	0305236F	COMMON DATA LINK (CDL)	38,094	38,094
214	0305238F	NATO AGS	210,109	210,109
215	0305240F	SUPPORT TO DCGS ENTERPRISE	24,500	24,500
216	0305265F	GPS III SPACE SEGMENT	318,992	318,992
217	0305614F	JSPOC MISSION SYSTEM	54,645	54,645
218	0305881F	RAPID CYBER ACQUISITION	4,007	4,007
219	0305887F	INTELLIGENCE SUPPORT TO INFORMATION WARFARE	13,357	13,357
220	0305913F	NUDET DETECTION SYSTEM (SPACE)	64,965	64,965
221	0305940F	SPACE SITUATION AWARENESS OPERATIONS	19,586	19,586
223	0308699F	SHARED EARLY WARNING (SEW)	1,175	1,175
224	0401115F	C-130 AIRLIFT SQUADRON	5,000	5,000
225	0401119F	C-5 AIRLIFT SQUADRONS (IF)	35,115	35,115
226	0401130F	C-17 AIRCRAFT (IF)	99,225	99,225
227	0401132F	C-130J PROGRAM	30,652	30,652
228	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	7,758	7,758
229	0401139F	LIGHT MOBILITY AIRCRAFT (LIMA)	100	100
231	0401219F	KC-10S	24,022	24,022
232	0401314F	OPERATIONAL SUPPORT AIRLIFT	7,471	7,471
234	0408011F	SPECIAL TACTICS/COMBAT CONTROL	4,984	4,984
235	0702207F	DEPOT MAINTENANCE (NON-IF)	1,588	1,588
236	0708012F	LOGISTICS SUPPORT ACTIVITIES	577	577
237	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	119,327	119,327
238	0708611F	SUPPORT SYSTEMS DEVELOPMENT	15,873	15,873
240	0804743F	OTHER FLIGHT TRAINING	349	349
242	0808716F	OTHER PERSONNEL ACTIVITIES	117	117
243	0901202F	JOINT PERSONNEL RECOVERY AGENCY	2,018	2,018
244	0901218F	CIVILIAN COMPENSATION PROGRAM	1,561	1,561
245	0901220F	PERSONNEL ADMINISTRATION	7,634	7,634

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246	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY	1,175	1,175
247	0901279F	FACILITIES OPERATION—ADMINISTRATIVE	3,491	3,491
248	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT.	100,160	100,160
249A	999999999	CLASSIFIED PROGRAMS	11,172,183	11,172,183
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	15,867,972	15,866,472
		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, AF.	25,428,046	25,512,996
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		BASIC RESEARCH		
1	0601000BR	DTRA BASIC RESEARCH INITIATIVE	45,071	45,071
2	0601101E	DEFENSE RESEARCH SCIENCES	309,051	309,051
3	0601110D8Z	BASIC RESEARCH INITIATIVES	19,405	19,405
4	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE	39,676	39,676
5	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	87,979	87,979
6	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	50,566	50,566
		SUBTOTAL, BASIC RESEARCH	551,748	551,748
		APPLIED RESEARCH		
7	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	20,615	20,615
8	0602115E	BIOMEDICAL TECHNOLOGY	110,900	110,900
9	0602228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE. Program increase		[10,000]
10	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	36,826	36,826
11	0602250D8Z	SYSTEMS 2020 APPLIED RESEARCH	7,898	7,898
12	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY	392,421	392,421
13	0602304E	COGNITIVE COMPUTING SYSTEMS	30,424	30,424
15	0602383E	BIOLOGICAL WARFARE DEFENSE	19,236	19,236
16	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	223,269	223,269
17	0602663D8Z	DATA TO DECISIONS APPLIED RESEARCH	13,753	13,753
18	0602668D8Z	CYBER SECURITY RESEARCH	18,985	18,985
19	0602670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APPLIED RESEARCH.	6,771	6,771
20	0602702E	TACTICAL TECHNOLOGY	233,209	233,209
21	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	166,067	166,067
22	0602716E	ELECTRONICS TECHNOLOGY	222,416	222,416
23	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES ...	172,352	172,352
24	1160401BB	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	28,739	28,739
		SUBTOTAL, APPLIED RESEARCH	1,703,881	1,713,881
		ADVANCED TECHNOLOGY DEVELOPMENT (ATD)		
25	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	25,612	25,612
26	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT	26,324	26,324
27	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	77,144	77,144
28	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT.	275,022	275,022
29	0603175C	BALLISTIC MISSILE DEFENSE TECHNOLOGY	79,975	79,975
31	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	20,032	20,032
32	0603264S	AGILE TRANSPORTATION FOR THE 21ST CENTURY (AT21)—THEATER CAPABILITY.	3,892	3,892
33	0603274C	SPECIAL PROGRAM—MDA TECHNOLOGY	36,685	36,685
34	0603286E	ADVANCED AEROSPACE SYSTEMS	174,316	149,316
		Program decrease		[-25,000]
35	0603287E	SPACE PROGRAMS AND TECHNOLOGY	159,704	159,704
36	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT.	234,280	234,280
37	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	6,983	6,983
38	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	158,263	158,263
39	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES	25,393	25,393
40	0603663D8Z	DATA TO DECISIONS ADVANCED TECHNOLOGY DEVELOPMENT.	13,754	13,754
42	0603668D8Z	CYBER SECURITY ADVANCED RESEARCH	19,935	19,935
43	0603670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADVANCED DEVELOPMENT.	8,235	8,235
44	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.	21,966	21,966
45	0603699D8Z	EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT	24,662	24,662
47	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	24,605	24,605
48	0603713S	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY.	30,678	30,678
49	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	65,282	65,282
50	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT.	72,234	82,234
		Program increase		[10,000]
51	0603727D8Z	JOINT WARFIGHTING PROGRAM	8,403	8,403

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Line	Program Element	Item	FY 2013 Request	House Authorized
52	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	111,008	111,008
54	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	237,859	212,859
		Program reduction		[-25,000]
55	0603765E	CLASSIFIED DARPA PROGRAMS	3,000	3,000
56	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	236,883	236,883
57	0603767E	SENSOR TECHNOLOGY	299,438	299,438
58	0603769SE	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT.	12,195	12,195
59	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	30,036	30,036
60	0603826D8Z	QUICK REACTION SPECIAL PROJECTS	107,002	107,002
62	0603828J	JOINT EXPERIMENTATION	21,230	21,230
63	0603832D8Z	DOD MODELING AND SIMULATION MANAGEMENT OFFICE	47,433	47,433
64	0603901C	DIRECTED ENERGY RESEARCH	46,944	76,944
		Program increase		[30,000]
65	0603902C	NEXT GENERATION AEGIS MISSILE	224,077	224,077
66	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	92,602	92,602
68	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT	26,244	26,244
69	0303310D8Z	CWMD SYSTEMS	53,946	53,946
70	1160402BB	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT.	45,317	45,317
71	1160422BB	AVIATION ENGINEERING ANALYSIS	861	861
72	1160472BB	SOF INFORMATION AND BROADCAST SYSTEMS ADVANCED TECHNOLOGY.	4,959	4,959
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT (ATD).	3,194,413	3,184,413
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
73	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P.	33,234	33,234
74	0603527D8Z	RETRACT LARCH	21,023	21,023
75	0603600D8Z	WALKOFF	94,624	94,624
77	0603714D8Z	ADVANCED SENSOR APPLICATIONS PROGRAM	16,958	16,958
78	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM.	75,941	75,941
79	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT	316,929	316,929
80	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT.	903,172	1,363,172
		East Coast site planning and development, and EIS work		[103,000]
		Program increase		[357,000]
81	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL ..	179,023	179,023
82	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	347,012	347,012
84	0603890C	BMD ENABLING PROGRAMS	362,711	362,711
85	0603891C	SPECIAL PROGRAMS—MDA	272,387	272,387
86	0603892C	AEGIS BMD	992,407	992,407
87	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM	51,313	51,313
88	0603895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS	6,912	6,912
89	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT & COMMUNICATION.	366,552	366,552
90	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT	55,550	55,550
91	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC).	63,043	63,043
92	0603906C	REGARDING TRENCH	11,371	11,371
93	0603907C	SEA BASED X-BAND RADAR (SBX)	9,730	9,730
94	0603913C	ISRAELI COOPERATIVE PROGRAMS	99,836	267,836
		Increase to DSWS, ASIP, Arrow-3 cooperative programs		[168,000]
95	0603914C	BALLISTIC MISSILE DEFENSE TEST	454,400	454,400
96	0603915C	BALLISTIC MISSILE DEFENSE TARGETS	435,747	435,747
97	0603920D8Z	HUMANITARIAN DEMINING	13,231	13,231
98	0603923D8Z	COALITION WARFARE	11,398	11,398
99	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM	3,283	3,283
100	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED AIRCRAFT SYSTEM (UAS) COMMON DEVELOPMENT.	12,368	12,368
101	0604670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) RESEARCH AND ENGINEERING.	5,131	5,131
104	0604787J	JOINT SYSTEMS INTEGRATION	3,273	3,273
106	0604828J	JOINT FIRES INTEGRATION AND INTEROPERABILITY TEAM ...	7,364	7,364
107	0604880C	LAND-BASED SM-3 (LBSM3)	276,338	276,338
108	0604881C	AEGIS SM-3 BLOCK IIA CO-DEVELOPMENT	420,630	420,630
109	0604883C	PRECISION TRACKING SPACE SENSOR RDT&E	297,375	50,000
		Project decrease to support technology development		[-247,375]
111	0604886C	ADVANCED REMOTE SENSOR TECHNOLOGY (ARST)	58,742	58,742
113	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM	3,158	3,158
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	6,282,166	6,662,791
		SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD)		
115	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD.	6,817	6,817

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Line	Program Element	Item	FY 2013 Request	House Authorized
116	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT	110,383	110,383
117	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD	311,071	311,071
119	0604764K	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO)	25,787	25,787
120	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS).	20,688	20,688
121	0605000BR	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES	5,749	5,749
122	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	12,699	12,699
125	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	387	387
126	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM	1,859	1,859
127	0605027D8Z	OUSDC(C) IT DEVELOPMENT INITIATIVES	7,010	7,010
128	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION.	133,104	133,104
129	0605075D8Z	DCMO POLICY AND INTEGRATION	25,269	25,269
131	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES ..	10,238	10,238
132	0303141K	GLOBAL COMBAT SUPPORT SYSTEM	19,670	19,670
133	0305304D8Z	DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EEDM).	3,556	3,556
		SUBTOTAL, SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD).	694,287	694,287
		RDT&E MANAGEMENT SUPPORT		
135	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS)	6,383	6,383
136	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	3,845	3,845
137	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP).	144,109	144,109
138	0604942D8Z	ASSESSMENTS AND EVALUATIONS	2,419	2,419
139	0604943D8Z	THERMAL VICAR	8,214	8,214
140	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC)	19,380	19,380
141	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	32,266	32,266
142	0605110D8Z	USDA&T)—CRITICAL TECHNOLOGY SUPPORT	840	840
143	0605117D8Z	FOREIGN MATERIEL ACQUISITION AND EXPLOITATION	56,012	56,012
144	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO).	55,508	55,508
146	0605130D8Z	FOREIGN COMPARATIVE TESTING	18,174	18,174
147	0605142D8Z	SYSTEMS ENGINEERING	43,195	43,195
148	0605151D8Z	STUDIES AND ANALYSIS SUPPORT—OSD	6,457	6,457
149	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	4,901	4,901
150	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION ...	6,307	6,307
151	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	6,601	6,601
152	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	92,849	92,849
159	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER (S.	1,857	1,857
160	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	12,056	12,056
162	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	55,454	55,454
163	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION.	16,364	16,364
164	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	15,110	15,110
166	0605898E	MANAGEMENT HQ—R&D	69,767	69,767
167	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	4,454	4,454
169	0203345D8Z	DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI)	2,637	2,637
174	0303166J	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES ..	8,238	8,238
176	0305103E	CYBER SECURITY INITIATIVE	1,801	1,801
177	0305193D8Z	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	16,041	16,041
180	0804767D8Z	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2).	77,475	77,475
182	0901598C	MANAGEMENT HQ—MDA	34,855	34,855
183	0901598D8W	MANAGEMENT HEADQUARTERS WHS	104	104
184A	9999999999	CLASSIFIED PROGRAMS	64,255	64,255
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT	887,928	887,928
		OPERATIONAL SYSTEMS DEVELOPMENT		
185	0604130V	ENTERPRISE SECURITY SYSTEM (ESS)	8,866	8,866
186	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MGMT.	3,238	3,238
187	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHASIS).	288	288
188	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT).	14,745	14,745
190	0607828J	JOINT INTEGRATION AND INTEROPERABILITY	5,013	5,013
191	0208043J	PLANNING AND DECISION AID SYSTEM (PDAS)	3,922	3,922
192	0208045K	C4I INTEROPERABILITY	72,574	72,574
194	0301144K	JOINT/ALLIED COALITION INFORMATION SHARING	6,214	6,214
201	0302016K	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT	499	499
202	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION.	14,498	14,498
203	0303126K	LONG-HAUL COMMUNICATIONS—DCS	26,164	26,164
204	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	12,931	12,931

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Line	Program Element	Item	FY 2013 Request	House Authorized
205	0303135G	PUBLIC KEY INFRASTRUCTURE (PKI)	6,296	6,296
206	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI)	30,948	30,948
207	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	11,780	11,780
208	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	191,452	241,452
		Program increase		[50,000]
211	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	36,575	46,575
		Program increase		[10,000]
212	0303153K	DEFENSE SPECTRUM ORGANIZATION	24,278	24,278
213	0303170K	NET-CENTRIC ENTERPRISE SERVICES (NCES)	2,924	2,924
214	0303260D8Z	DEFENSE MILITARY DECEPTION PROGRAM OFFICE (DMDPO) ..	1,294	1,294
215	0303610K	TELEPORT PROGRAM	6,050	6,050
217	0304210BB	SPECIAL APPLICATIONS FOR CONTINGENCIES	17,058	17,058
222	0305103K	CYBER SECURITY INITIATIVE	4,189	4,189
223	0305125D8Z	CRITICAL INFRASTRUCTURE PROTECTION (CIP)	10,462	10,462
227	0305186D8Z	POLICY R&D PROGRAMS	6,360	6,360
229	0305199D8Z	NET CENTRICITY	21,190	21,190
232	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	7,114	7,714
		Program increase		[600]
235	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,247	3,247
237	0305219BB	MQ-1 PREDATOR A UAV	1,355	1,355
240	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM	2,303	2,303
241	0305600D8Z	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHI- TECTURES.	1,478	1,478
249	0708011S	INDUSTRIAL PREPAREDNESS	27,044	27,044
250	0708012S	LOGISTICS SUPPORT ACTIVITIES	4,711	4,711
251	0902298J	MANAGEMENT HQ—OJCS	4,100	4,100
253	1105219BB	MQ-9 UAV	3,002	3,002
257	1160403BB	SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEVEL- OPMENT.	97,267	97,267
258	1160404BB	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT	821	821
259	1160405BB	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOP- MENT.	25,935	25,935
260	1160408BB	SOF OPERATIONAL ENHANCEMENTS	51,700	51,700
261	1160421BB	SPECIAL OPERATIONS CV-22 DEVELOPMENT	1,822	1,822
262	1160427BB	MISSION TRAINING AND PREPARATION SYSTEMS (MTPS)	10,131	10,131
263	1160429BB	AC/MC-130J	19,647	19,647
264	1160474BB	SOF COMMUNICATIONS EQUIPMENT AND ELECTRONICS SYS- TEMS.	2,225	2,225
265	1160476BB	SOF TACTICAL RADIO SYSTEMS	3,036	3,036
266	1160477BB	SOF WEAPONS SYSTEMS	1,511	1,511
267	1160478BB	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS	4,263	4,263
268	1160479BB	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEMS	4,448	4,448
269	1160480BB	SOF TACTICAL VEHICLES	11,325	11,325
270	1160481BB	SOF MUNITIONS	1,515	1,515
271	1160482BB	SOF ROTARY WING AVIATION	24,430	24,430
272	1160483BB	SOF UNDERWATER SYSTEMS	26,405	61,405
		Program increase		[35,000]
273	1160484BB	SOF SURFACE CRAFT	8,573	8,573
275	1160489BB	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES	7,620	7,620
276	1160490BB	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE	16,386	16,386
276A	999999999	CLASSIFIED PROGRAMS	3,754,516	3,774,416
		Program increases		[10,000]
		Program increases		[9,900]
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	4,667,738	4,783,238
		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, DW.	17,982,161	18,478,286
		OPERATIONAL TEST & EVAL, DEFENSE RDT&E MANAGEMENT SUPPORT		
1	0605118OTE	OPERATIONAL TEST AND EVALUATION	72,501	107,501
		Program increase for DOT&E cyber—range operations		[25,000]
		Program increase for DOT&E cyber—threat development and assess- ment.		[10,000]
2	0605131OTE	LIVE FIRE TEST AND EVALUATION	49,201	49,201
3	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES	63,566	63,566
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT	185,268	220,268
		TOTAL, OPERATIONAL TEST & EVAL, DEFENSE	185,268	220,268
		TOTAL RDT&E	69,407,767	70,387,256

1 **SEC. 4202. RESEARCH, DEVELOPMENT, TEST AND EVALUA-**
 2 **TION FOR OVERSEAS CONTINGENCY OPER-**
 3 **ATIONS.**

SEC. 4202. RESEARCH, DEVELOPMENT, TEST AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
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Line	Program Element	Item	FY 2013 Request	House Authorized
RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY				
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES				
60	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	19,860	19,860
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	19,860	19,860
		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.	19,860	19,860
RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY				
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES				
56	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	4,600	4,600
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	4,600	4,600
SYSTEM DEVELOPMENT & DEMONSTRATION				
131	0604771N	MEDICAL DEVELOPMENT	2,173	2,173
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION.	2,173	2,173
RDT&E MANAGEMENT SUPPORT				
160	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	5,200	5,200
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT	5,200	5,200
OPERATIONAL SYSTEMS DEVELOPMENT				
195	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	6,762	6,762
221	0305233N	RQ-7 UAV	7,600	7,600
230A	9999999999	CLASSIFIED PROGRAMS	33,784	33,784
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	48,146	48,146
		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.	60,119	60,119
RESEARCH, DEVELOPMENT, TEST & EVAL, AF				
OPERATIONAL SYSTEMS DEVELOPMENT				
249A	9999999999	CLASSIFIED PROGRAMS	53,150	53,150
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	53,150	53,150
		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, AF.	53,150	53,150
RESEARCH, DEVELOPMENT, TEST & EVAL, DW				
APPLIED RESEARCH				
9	0602228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE. Program increase		[10,000]
		SUBTOTAL, APPLIED RESEARCH		10,000
ADVANCED TECHNOLOGY DEVELOPMENT (ATD)				
27	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT		25,000
		Program increase		[25,000]
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT (ATD).		25,000
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.				
94	0603913C	ISRAELI COOPERATIVE PROGRAMS		680,000
		Iron Dome		[680,000]
102	0604775D8Z	DEFENSE RAPID INNOVATION PROGRAM		200,000
		Program increase		[200,000]
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.		880,000
OPERATIONAL SYSTEMS DEVELOPMENT				
239	0305231BB	MQ-8 UAV	5,000	5,000
276A	9999999999	CLASSIFIED PROGRAMS	107,387	107,387

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Line	Program Element	Item	FY 2013 Request	House Authorized
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	112,387	112,387
		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, DW.	112,387	1,027,387
		TOTAL RDT&E	245,516	1,160,516

1 **TITLE XLIII—OPERATION AND**
2 **MAINTENANCE**
3 **SEC. 4301. OPERATION AND MAINTENANCE.**

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
	OPERATION & MAINTENANCE, ARMY		
	OPERATING FORCES		
10	MANEUVER UNITS	1,223,087	1,223,087
20	MODULAR SUPPORT BRIGADES	80,574	80,574
30	ECHELONS ABOVE BRIGADE	723,039	723,039
40	THEATER LEVEL ASSETS	706,974	706,974
50	LAND FORCES OPERATIONS SUPPORT	1,226,650	1,226,650
60	AVIATION ASSETS	1,319,832	1,319,832
70	FORCE READINESS OPERATIONS SUPPORT	3,447,174	3,447,174
80	LAND FORCES SYSTEMS READINESS	454,774	454,774
90	LAND FORCES DEPOT MAINTENANCE	1,762,757	1,762,757
100	BASE OPERATIONS SUPPORT	7,401,613	7,401,613
110	FACILITIES SUSTAINMENT, RESTORATION & MOD-ERNIZATION	3,041,074	3,234,674
	Realignment to Cemeterial Expenses, Army		[-25,000]
	Restoration and Modernization of Facilities		[218,600]
120	MANAGEMENT AND OPERATIONAL HQ'S	410,171	410,171
130	COMBATANT COMMANDERS CORE OPERATIONS	177,819	177,819
170	COMBATANT COMMANDERS ANCILLARY MISSIONS	461,333	461,333
	SUBTOTAL, OPERATING FORCES	22,436,871	22,630,471
	MOBILIZATION		
180	STRATEGIC MOBILITY	405,496	405,496
190	ARMY PREPOSITIONING STOCKS	195,349	195,349
200	INDUSTRIAL PREPAREDNESS	6,379	6,379
	SUBTOTAL, MOBILIZATION	607,224	607,224
	TRAINING AND RECRUITING		
210	OFFICER ACQUISITION	112,866	112,866
220	RECRUIT TRAINING	73,265	73,265
230	ONE STATION UNIT TRAINING	51,227	51,227
240	SENIOR RESERVE OFFICERS TRAINING CORPS	443,306	443,306
250	SPECIALIZED SKILL TRAINING	1,099,556	1,099,556
260	FLIGHT TRAINING	1,130,627	1,130,627
270	PROFESSIONAL DEVELOPMENT EDUCATION	191,683	191,683
280	TRAINING SUPPORT	652,095	652,095
290	RECRUITING AND ADVERTISING	507,510	507,510
300	EXAMINING	156,964	156,964
310	OFF-DUTY AND VOLUNTARY EDUCATION	244,343	244,343
320	CIVILIAN EDUCATION AND TRAINING	212,477	212,477
330	JUNIOR ROTC	182,691	182,691
	SUBTOTAL, TRAINING AND RECRUITING	5,058,610	5,058,610
	ADMIN & SRVWIDE ACTIVITIES		
350	SERVICEWIDE TRANSPORTATION	601,331	601,331
360	CENTRAL SUPPLY ACTIVITIES	741,324	741,324
370	LOGISTIC SUPPORT ACTIVITIES	610,136	610,136
380	AMMUNITION MANAGEMENT	478,707	478,707

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
390	ADMINISTRATION	556,307	556,307
400	SERVICEWIDE COMMUNICATIONS	1,547,925	1,547,925
410	MANPOWER MANAGEMENT	362,205	362,205
420	OTHER PERSONNEL SUPPORT	220,754	220,754
430	OTHER SERVICE SUPPORT	1,153,556	1,150,509
	Army Museum Funding (Early to need)		[-3,047]
440	ARMY CLAIMS ACTIVITIES	250,970	250,970
450	REAL ESTATE MANAGEMENT	222,351	222,351
460	BASE OPERATIONS SUPPORT	222,379	222,379
470	SUPPORT OF NATO OPERATIONS	459,710	459,710
480	MISC. SUPPORT OF OTHER NATIONS	25,637	25,637
490	CLASSIFIED PROGRAMS	1,052,595	1,052,595
	SUBTOTAL, ADMIN & SRVWIDE ACTIVITIES ...	8,505,887	8,502,840
	UNDISTRIBUTED ADJUSTMENTS		
500	UNDISTRIBUTED ADJUSTMENTS		-350,700
	Army Medical Evacuation Paramedic Certification Training		[5,000]
	Historical unobligated balances		[-289,200]
	Overestimate of Foreign Currency Fluctuation Costs		[-66,500]
	SUBTOTAL, UNDISTRIBUTED ADJUSTMENTS		-350,700
	TOTAL, OPERATION & MAINTENANCE, ARMY	36,608,592	36,448,445
	OPERATION & MAINTENANCE, NAVY OPERATING FORCES		
10	MISSION AND OTHER FLIGHT OPERATIONS	4,918,144	4,927,144
	Cruiser Retention		[9,000]
20	FLEET AIR TRAINING	1,886,825	1,886,825
30	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	44,032	44,032
40	AIR OPERATIONS AND SAFETY SUPPORT	101,565	101,565
50	AIR SYSTEMS SUPPORT	374,827	374,827
60	AIRCRAFT DEPOT MAINTENANCE	960,802	960,802
70	AIRCRAFT DEPOT OPERATIONS SUPPORT	37,545	37,545
80	AVIATION LOGISTICS	328,805	328,805
90	MISSION AND OTHER SHIP OPERATIONS	4,686,535	4,711,185
	Cruiser Retention		[24,650]
100	SHIP OPERATIONS SUPPORT & TRAINING	769,204	769,204
110	SHIP DEPOT MAINTENANCE	5,089,981	5,157,944
	Cruiser Retention		[67,963]
120	SHIP DEPOT OPERATIONS SUPPORT	1,315,366	1,329,237
	Cruiser Retention		[13,871]
130	COMBAT COMMUNICATIONS	619,909	619,909
140	ELECTRONIC WARFARE	92,364	92,364
150	SPACE SYSTEMS AND SURVEILLANCE	174,437	174,437
160	WARFARE TACTICS	441,035	441,035
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	333,554	333,554
180	COMBAT SUPPORT FORCES	910,087	910,087
190	EQUIPMENT MAINTENANCE	167,158	167,158
200	DEPOT OPERATIONS SUPPORT	4,183	4,183
210	COMBATANT COMMANDERS CORE OPERATIONS	95,528	95,528
220	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	204,569	204,569
230	CRUISE MISSILE	111,884	111,884
240	FLEET BALLISTIC MISSILE	1,181,038	1,181,038
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	87,606	87,606
260	WEAPONS MAINTENANCE	519,583	519,583
270	OTHER WEAPON SYSTEMS SUPPORT	300,435	300,435
280	ENTERPRISE INFORMATION	1,077,924	1,077,924
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	2,101,279	2,155,879
	Restoration and Modernization of Facilities		[54,600]
300	BASE OPERATING SUPPORT	4,822,093	4,822,093
	SUBTOTAL, OPERATING FORCES	33,758,297	33,928,381
	MOBILIZATION		
310	SHIP PREPOSITIONING AND SURGE	334,659	334,659
320	AIRCRAFT ACTIVATIONS/INACTIVATIONS	6,562	6,562
330	SHIP ACTIVATIONS/INACTIVATIONS	1,066,329	587,329
	Cruiser Retention		[-9,000]

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
	Fiscal year 2013 portion of USS ENTERPRISE Inactivation Costs		[-470,000]
340	EXPEDITIONARY HEALTH SERVICES SYSTEMS	83,901	83,901
350	INDUSTRIAL READINESS	2,695	2,695
360	COAST GUARD SUPPORT	23,502	23,502
	SUBTOTAL, MOBILIZATION	1,517,648	1,038,648
	TRAINING AND RECRUITING		
370	OFFICER ACQUISITION	147,807	147,807
380	RECRUIT TRAINING	10,473	10,473
390	RESERVE OFFICERS TRAINING CORPS	139,220	139,220
400	SPECIALIZED SKILL TRAINING	582,177	582,177
410	FLIGHT TRAINING	5,456	5,456
420	PROFESSIONAL DEVELOPMENT EDUCATION	170,746	170,746
430	TRAINING SUPPORT	153,403	153,403
440	RECRUITING AND ADVERTISING	241,329	242,267
	Naval Sea Cadet Corps		[938]
450	OFF-DUTY AND VOLUNTARY EDUCATION	108,226	108,226
460	CIVILIAN EDUCATION AND TRAINING	105,776	105,776
470	JUNIOR ROTC	51,817	51,817
	SUBTOTAL, TRAINING AND RECRUITING	1,716,430	1,717,368
	ADMIN & SRVWD ACTIVITIES		
480	ADMINISTRATION	797,177	797,177
490	EXTERNAL RELATIONS	12,872	12,872
500	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	120,181	120,181
510	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	235,753	235,753
520	OTHER PERSONNEL SUPPORT	263,060	263,060
530	SERVICEWIDE COMMUNICATIONS	363,213	363,213
550	SERVICEWIDE TRANSPORTATION	182,343	182,343
570	PLANNING, ENGINEERING AND DESIGN	282,464	282,464
580	ACQUISITION AND PROGRAM MANAGEMENT	1,092,123	1,092,123
590	HULL, MECHANICAL AND ELECTRICAL SUPPORT	53,560	53,560
600	COMBAT/WEAPONS SYSTEMS	25,299	25,299
610	SPACE AND ELECTRONIC WARFARE SYSTEMS	64,418	64,418
620	NAVAL INVESTIGATIVE SERVICE	580,042	580,042
680	INTERNATIONAL HEADQUARTERS AND AGENCIES	4,984	4,984
710	CLASSIFIED PROGRAMS	537,079	537,079
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	4,614,568	4,614,568
	UNDISTRIBUTED ADJUSTMENTS		
720	UNDISTRIBUTED ADJUSTMENTS		-166,400
	Historical unobligated balances		[-166,400]
	SUBTOTAL, UNDISTRIBUTED ADJUSTMENTS		-166,400
	TOTAL, OPERATION & MAINTENANCE, NAVY	41,606,943	41,132,565
	OPERATION & MAINTENANCE, MARINE CORPS OPERATING FORCES		
10	OPERATIONAL FORCES	788,055	788,055
20	FIELD LOGISTICS	762,614	762,614
30	DEPOT MAINTENANCE	168,447	168,447
40	MARITIME PREPOSITIONING	100,374	100,374
50	SUSTAINMENT, RESTORATION & MODERNIZATION	825,039	847,839
	Restoration and Modernization of Facilities		[22,800]
60	BASE OPERATING SUPPORT	2,188,883	2,188,883
	SUBTOTAL, OPERATING FORCES	4,833,412	4,856,212
	TRAINING AND RECRUITING		
70	RECRUIT TRAINING	18,251	18,251
80	OFFICER ACQUISITION	869	869
90	SPECIALIZED SKILL TRAINING	80,914	80,914
100	PROFESSIONAL DEVELOPMENT EDUCATION	42,744	42,744
110	TRAINING SUPPORT	292,150	292,150
120	RECRUITING AND ADVERTISING	168,609	178,609
	Recruiting and advertising		[10,000]
130	OFF-DUTY AND VOLUNTARY EDUCATION	56,865	56,865
140	JUNIOR ROTC	19,912	19,912

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
	SUBTOTAL, TRAINING AND RECRUITING	680,314	690,314
	ADMIN & SRVWD ACTIVITIES		
150	SERVICEWIDE TRANSPORTATION	39,962	39,962
170	ACQUISITION AND PROGRAM MANAGEMENT	83,404	83,404
190	CLASSIFIED PROGRAMS	346,071	346,071
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	469,437	469,437
	UNDISTRIBUTED ADJUSTMENTS		
200	UNDISTRIBUTED ADJUSTMENTS		-23,900
	Historical unobligated balances		[-23,900]
	SUBTOTAL, UNDISTRIBUTED ADJUSTMENTS		-23,900
	TOTAL, OPERATION & MAINTENANCE, MA- RINE CORPS	5,983,163	5,992,063
	OPERATION & MAINTENANCE, AIR FORCE		
	OPERATING FORCES		
10	PRIMARY COMBAT FORCES	2,973,141	2,973,141
20	COMBAT ENHANCEMENT FORCES	1,611,032	1,744,032
	Global Hawk Block 30		[133,000]
30	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS) ...	1,472,806	1,472,806
40	DEPOT MAINTENANCE	5,545,470	5,545,470
50	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	1,353,987	1,569,487
	Restoration and Modernization of Facilities		[215,500]
60	BASE SUPPORT	2,595,032	2,595,032
70	GLOBAL C3I AND EARLY WARNING	957,040	957,040
80	OTHER COMBAT OPS SPT PROGRAMS	916,200	916,200
100	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	733,716	733,716
110	LAUNCH FACILITIES	314,490	314,490
120	SPACE CONTROL SYSTEMS	488,762	488,762
130	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	862,979	862,979
140	COMBATANT COMMANDERS CORE OPERATIONS	222,429	222,429
	SUBTOTAL, OPERATING FORCES	20,047,084	20,395,584
	MOBILIZATION		
150	AIRLIFT OPERATIONS	1,785,379	1,785,379
160	MOBILIZATION PREPAREDNESS	154,049	154,049
170	DEPOT MAINTENANCE	1,477,396	1,477,396
180	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	309,699	309,699
190	BASE SUPPORT	707,574	707,574
	SUBTOTAL, MOBILIZATION	4,434,097	4,434,097
	TRAINING AND RECRUITING		
200	OFFICER ACQUISITION	115,427	115,427
210	RECRUIT TRAINING	17,619	17,619
220	RESERVE OFFICERS TRAINING CORPS (ROTC)	92,949	92,949
230	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	336,433	336,433
240	BASE SUPPORT	842,441	842,441
250	SPECIALIZED SKILL TRAINING	482,634	482,634
260	FLIGHT TRAINING	750,609	750,609
270	PROFESSIONAL DEVELOPMENT EDUCATION	235,114	235,114
280	TRAINING SUPPORT	101,231	101,231
290	DEPOT MAINTENANCE	233,330	233,330
310	RECRUITING AND ADVERTISING	130,217	130,217
320	EXAMINING	2,738	2,738
330	OFF-DUTY AND VOLUNTARY EDUCATION	155,170	155,170
340	CIVILIAN EDUCATION AND TRAINING	175,147	175,147
350	JUNIOR ROTC	74,809	74,809
	SUBTOTAL, TRAINING AND RECRUITING	3,745,868	3,745,868
	ADMIN & SRVWD ACTIVITIES		
360	LOGISTICS OPERATIONS	1,029,734	1,029,734
370	TECHNICAL SUPPORT ACTIVITIES	913,843	913,843
390	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	303,610	303,610
400	BASE SUPPORT	1,266,800	1,266,800

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
410	ADMINISTRATION	587,654	587,654
420	SERVICEWIDE COMMUNICATIONS	667,910	667,910
430	OTHER SERVICEWIDE ACTIVITIES	1,094,509	1,094,509
440	CIVIL AIR PATROL	23,904	23,904
470	INTERNATIONAL SUPPORT	81,307	81,307
480	CLASSIFIED PROGRAMS	1,239,040	1,239,040
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	7,208,311	7,208,311
	UNDISTRIBUTED ADJUSTMENTS		
490	UNDISTRIBUTED ADJUSTMENTS		-43,700
	Historical unobligated balances		[-141,700]
	Overestimate of Foreign Currency Fluctuation Costs		[-32,000]
	Retain Air Force Force Structure		[130,000]
	SUBTOTAL, UNDISTRIBUTED ADJUSTMENTS		-43,700
	TOTAL, OPERATION & MAINTENANCE, AIR FORCE	35,435,360	35,740,160
	OPERATION & MAINTENANCE, DEFENSE-WIDE OPERATING FORCES		
10	JOINT CHIEFS OF STAFF	485,708	485,708
20	SPECIAL OPERATIONS COMMAND		5,091,001
	Transfer from line 025		[5,091,001]
25	CLASSIFIED PROGRAMS	5,091,001	0
	Transfer to Line 020		[-5,091,001]
	SUBTOTAL, OPERATING FORCES	5,576,709	5,576,709
	TRAINING AND RECRUITING		
30	DEFENSE ACQUISITION UNIVERSITY	147,210	144,710
	Program decrease		[-2,500]
40	NATIONAL DEFENSE UNIVERSITY	84,999	82,499
	Program decrease		[-2,500]
	SUBTOTAL, TRAINING AND RECRUITING	232,209	227,209
	ADMIN & SRVWD ACTIVITIES		
50	CIVIL MILITARY PROGRAMS	161,294	161,294
80	DEFENSE CONTRACT AUDIT AGENCY	573,973	573,973
90	DEFENSE CONTRACT MANAGEMENT AGENCY	1,293,196	1,293,196
100	DEFENSE FINANCE AND ACCOUNTING SERVICE	17,513	17,513
110	DEFENSE HUMAN RESOURCES ACTIVITY	676,186	676,186
120	DEFENSE INFORMATION SYSTEMS AGENCY	1,346,847	1,346,847
140	DEFENSE LEGAL SERVICES AGENCY	35,137	35,137
150	DEFENSE LOGISTICS AGENCY	431,893	431,893
160	DEFENSE MEDIA ACTIVITY	224,013	224,013
170	DEFENSE POW/MIA OFFICE	21,964	21,964
180	DEFENSE SECURITY COOPERATION AGENCY	557,917	557,917
190	DEFENSE SECURITY SERVICE		506,662
	Transfer from Line 280		[506,662]
200	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	35,319	35,319
210	DEFENSE THREAT REDUCTION AGENCY		443,382
	Transfer from Line 280		[443,382]
220	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	2,744,971	2,744,971
230	MISSILE DEFENSE AGENCY	259,975	259,975
250	OFFICE OF ECONOMIC ADJUSTMENT	253,437	253,437
260	OFFICE OF THE SECRETARY OF DEFENSE	2,095,362	2,135,362
	Advancing Diversity and EO		[5,000]
	Office of Net Assessment		[10,000]
	Readiness Environmental Protection Initiative		[25,000]
270	WASHINGTON HEADQUARTERS SERVICE	521,297	521,297
280	CLASSIFIED PROGRAMS	14,933,801	14,045,757
	Program increase		[62,000]
	Transfer to Line 190		[-506,662]
	Transfer to Line 210		[-443,382]
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	26,184,095	26,286,095
	UNDISTRIBUTED ADJUSTMENTS		
290	UNDISTRIBUTED ADJUSTMENTS		-107,700
	DOD Impact Aid		[30,000]
	Historical unobligated balances		[-128,000]
	Overestimate of Foreign Currency Fluctuation Costs		[-9,700]

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
	SUBTOTAL, UNDISTRIBUTED ADJUSTMENTS		-107,700
	TOTAL, OPERATION & MAINTENANCE, DE- FENSE-WIDE	31,993,013	31,982,313
	OPERATION & MAINTENANCE, ARMY RES		
	OPERATING FORCES		
10	MANEUVER UNITS	1,391	1,391
20	MODULAR SUPPORT BRIGADES	20,889	20,889
30	ECHELONS ABOVE BRIGADE	592,724	592,724
40	THEATER LEVEL ASSETS	114,983	114,983
50	LAND FORCES OPERATIONS SUPPORT	633,091	633,091
60	AVIATION ASSETS	76,823	76,823
70	FORCE READINESS OPERATIONS SUPPORT	481,997	481,997
80	LAND FORCES SYSTEMS READINESS	70,118	70,118
90	LAND FORCES DEPOT MAINTENANCE	141,205	141,205
100	BASE OPERATIONS SUPPORT	561,878	561,878
110	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	287,399	308,099
	Restoration and Modernization of Facilities		[20,700]
120	MANAGEMENT AND OPERATIONAL HQ'S	52,431	52,431
	SUBTOTAL, OPERATING FORCES	3,034,929	3,055,629
	ADMIN & SRVWD ACTIVITIES		
140	SERVICEWIDE TRANSPORTATION	12,995	12,995
150	ADMINISTRATION	32,432	32,432
160	SERVICEWIDE COMMUNICATIONS	4,895	4,895
170	MANPOWER MANAGEMENT	16,074	16,074
180	RECRUITING AND ADVERTISING	60,683	60,683
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	127,079	127,079
	UNDISTRIBUTED ADJUSTMENTS		
190	UNDISTRIBUTED ADJUSTMENTS		1,100
	Army Medical Evacuation Paramedic Certification Training		[5,000]
	Deny request of increase for technicians		[-3,900]
	SUBTOTAL, UNDISTRIBUTED ADJUSTMENTS		1,100
	TOTAL, OPERATION & MAINTENANCE, ARMY RES	3,162,008	3,183,808
	OPERATION & MAINTENANCE, NAVY RES		
	OPERATING FORCES		
10	MISSION AND OTHER FLIGHT OPERATIONS	616,776	616,776
20	INTERMEDIATE MAINTENANCE	15,076	15,076
30	AIR OPERATIONS AND SAFETY SUPPORT	1,479	1,479
40	AIRCRAFT DEPOT MAINTENANCE	107,251	107,251
50	AIRCRAFT DEPOT OPERATIONS SUPPORT	355	355
60	MISSION AND OTHER SHIP OPERATIONS	82,186	82,186
70	SHIP OPERATIONS SUPPORT & TRAINING	589	589
80	SHIP DEPOT MAINTENANCE	48,593	48,593
90	COMBAT COMMUNICATIONS	15,274	15,274
100	COMBAT SUPPORT FORCES	124,917	124,917
110	WEAPONS MAINTENANCE	1,978	1,978
120	ENTERPRISE INFORMATION	43,699	43,699
130	SUSTAINMENT, RESTORATION AND MODERNIZATION ..	60,646	60,646
140	BASE OPERATING SUPPORT	105,227	105,227
	SUBTOTAL, OPERATING FORCES	1,224,046	1,224,046
	ADMIN & SRVWD ACTIVITIES		
150	ADMINISTRATION	3,117	3,117
160	MILITARY MANPOWER AND PERSONNEL MANAGE- MENT	14,337	14,337
170	SERVICEWIDE COMMUNICATIONS	2,392	2,392
180	ACQUISITION AND PROGRAM MANAGEMENT	3,090	3,090
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	22,936	22,936
	TOTAL, OPERATION & MAINTENANCE, NAVY RES	1,246,982	1,246,982
	OPERATION & MAINTENANCE, MC RESERVE		

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
OPERATING FORCES			
10	OPERATING FORCES	89,690	89,690
20	DEPOT MAINTENANCE	16,735	16,735
30	SUSTAINMENT, RESTORATION AND MODERNIZATION ..	37,913	37,913
40	BASE OPERATING SUPPORT	103,746	103,746
	SUBTOTAL, OPERATING FORCES	248,084	248,084
ADMIN & SRVWD ACTIVITIES			
50	SERVICEWIDE TRANSPORTATION	873	873
60	ADMINISTRATION	14,330	14,330
70	RECRUITING AND ADVERTISING	8,998	8,998
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	24,201	24,201
TOTAL, OPERATION & MAINTENANCE, MC RESERVE		272,285	272,285
OPERATION & MAINTENANCE, AF RESERVE			
OPERATING FORCES			
10	PRIMARY COMBAT FORCES	2,089,326	2,089,326
20	MISSION SUPPORT OPERATIONS	112,992	112,992
30	DEPOT MAINTENANCE	406,101	406,101
40	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	71,564	78,264
	Restoration and Modernization of Facilities		[6,700]
50	BASE SUPPORT	364,862	364,862
	SUBTOTAL, OPERATING FORCES	3,044,845	3,051,545
ADMIN & SRVWD ACTIVITIES			
60	ADMINISTRATION	78,824	78,824
70	RECRUITING AND ADVERTISING	16,020	16,020
80	MILITARY MANPOWER AND PERS MGMT (ARPC)	19,496	19,496
90	OTHER PERS SUPPORT (DISABILITY COMP)	6,489	6,489
100	AUDIOVISUAL	808	808
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	121,637	121,637
UNDISTRIBUTED ADJUSTMENTS			
110	UNDISTRIBUTED ADJUSTMENTS		161,617
	Retain Air Force Reserve Force Structure		[161,617]
	SUBTOTAL, UNDISTRIBUTED ADJUSTMENTS		161,617
TOTAL, OPERATION & MAINTENANCE, AF RESERVE		3,166,482	3,334,799
OPERATION & MAINTENANCE, ARNG			
OPERATING FORCES			
10	MANEUVER UNITS	680,206	680,206
20	MODULAR SUPPORT BRIGADES	186,408	186,408
30	ECHELONS ABOVE BRIGADE	865,628	865,628
40	THEATER LEVEL ASSETS	112,651	112,651
50	LAND FORCES OPERATIONS SUPPORT	36,091	36,091
60	AVIATION ASSETS	907,011	907,011
70	FORCE READINESS OPERATIONS SUPPORT	751,606	751,606
80	LAND FORCES SYSTEMS READINESS	60,043	60,043
90	LAND FORCES DEPOT MAINTENANCE	411,940	411,940
100	BASE OPERATIONS SUPPORT	995,423	995,423
110	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	688,189	737,589
	Restoration and Modernization of Facilities		[49,400]
120	MANAGEMENT AND OPERATIONAL HQ'S	953,716	953,716
	SUBTOTAL, OPERATING FORCES	6,648,912	6,698,312
ADMIN & SRVWD ACTIVITIES			
130	SERVICEWIDE TRANSPORTATION	11,806	11,806
140	REAL ESTATE MANAGEMENT	1,656	1,656
150	ADMINISTRATION	89,358	89,358
160	SERVICEWIDE COMMUNICATIONS	39,513	39,513
170	MANPOWER MANAGEMENT	7,224	7,224
180	RECRUITING AND ADVERTISING	310,143	310,143
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	459,700	459,700

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
UNDISTRIBUTED ADJUSTMENTS			
190	UNDISTRIBUTED ADJUSTMENTS		-79,700
	Army Medical Evacuation Paramedic Certification Training		[5,000]
	Deny request of increase for technicians		[-95,000]
	Retain Army National Guard Force Structure		[10,300]
	SUBTOTAL, UNDISTRIBUTED ADJUSTMENTS		-79,700
	TOTAL, OPERATION & MAINTENANCE, ARNG	7,108,612	7,078,312
OPERATION & MAINTENANCE, ANG OPERATING FORCES			
10	AIRCRAFT OPERATIONS	3,559,824	3,563,329
	Aerospace Control Alert		[3,505]
20	MISSION SUPPORT OPERATIONS	721,225	721,225
30	DEPOT MAINTENANCE	774,875	774,875
40	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	270,709	295,409
	Restoration and Modernization of Facilities		[24,700]
50	BASE SUPPORT	624,443	624,443
	SUBTOTAL, OPERATING FORCES	5,951,076	5,979,281
ADMIN & SRVWD ACTIVITIES			
60	ADMINISTRATION	32,358	32,358
70	RECRUITING AND ADVERTISING	32,021	32,021
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	64,379	64,379
UNDISTRIBUTED ADJUSTMENTS			
80	UNDISTRIBUTED ADJUSTMENTS		286,800
	Retain Air National Guard Force Structure		[286,800]
	SUBTOTAL, UNDISTRIBUTED ADJUSTMENTS		286,800
	TOTAL, OPERATION & MAINTENANCE, ANG	6,015,455	6,330,460
MISCELLANEOUS APPROPRIATIONS			
MISCELLANEOUS APPROPRIATIONS			
20	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	108,759	108,759
30	COOPERATIVE THREAT REDUCTION	519,111	519,111
40	ACQ WORKFORCE DEV FD	274,198	274,198
50	ENVIRONMENTAL RESTORATION, ARMY	335,921	335,921
	SUBTOTAL, MISCELLANEOUS APPROPRIA- TIONS	1,237,989	1,237,989
MISCELLANEOUS APPROPRIATIONS			
60	ENVIRONMENTAL RESTORATION, NAVY	310,594	310,594
	SUBTOTAL, MISCELLANEOUS APPROPRIA- TIONS	310,594	310,594
MISCELLANEOUS APPROPRIATIONS			
70	ENVIRONMENTAL RESTORATION, AIR FORCE	529,263	529,263
	SUBTOTAL, MISCELLANEOUS APPROPRIA- TIONS	529,263	529,263
MISCELLANEOUS APPROPRIATIONS			
10	US COURT OF APPEALS FOR THE ARMED FORCES, DE- FENSE	13,516	13,516
80	ENVIRONMENTAL RESTORATION, DEFENSE	11,133	11,133
	SUBTOTAL, MISCELLANEOUS APPROPRIA- TIONS	24,649	24,649
MISCELLANEOUS APPROPRIATIONS			
90	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	237,543	237,543
	SUBTOTAL, MISCELLANEOUS APPROPRIA- TIONS	237,543	237,543
	TOTAL, MISCELLANEOUS APPROPRIA- TIONS	2,340,038	2,340,038

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
	TOTAL, OPERATION & MAINTENANCE	174,938,933	175,082,230

1 SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS

2 CONTINGENCY OPERATIONS.

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
	OPERATION & MAINTENANCE, ARMY		
	OPERATING FORCES		
40	THEATER LEVEL ASSETS	2,758,162	2,758,162
50	LAND FORCES OPERATIONS SUPPORT	991,396	991,396
60	AVIATION ASSETS	40,300	40,300
70	FORCE READINESS OPERATIONS SUPPORT	1,755,445	1,755,445
80	LAND FORCES SYSTEMS READINESS	307,244	307,244
100	BASE OPERATIONS SUPPORT	393,165	393,165
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	250,000	250,000
140	ADDITIONAL ACTIVITIES	12,524,137	12,395,137
	Reduction to Task Force for Business and Stability Operations		[-129,000]
150	COMMANDERS EMERGENCY RESPONSE PROGRAM	400,000	200,000
	Historical underexecution		[-200,000]
160	RESET	3,687,973	3,437,973
	Unexecutable depot-level maintenance		[-250,000]
	SUBTOTAL, OPERATING FORCES	23,107,822	22,528,822
	ADMIN & SRVWIDE ACTIVITIES		
350	SERVICEWIDE TRANSPORTATION	3,238,310	3,238,310
360	CENTRAL SUPPLY ACTIVITIES	129,000	129,000
380	AMMUNITION MANAGEMENT	78,022	78,022
420	OTHER PERSONNEL SUPPORT	137,277	137,277
430	OTHER SERVICE SUPPORT	72,293	72,293
490	CLASSIFIED PROGRAMS	1,828,717	1,828,717
	SUBTOTAL, ADMIN & SRVWIDE ACTIVITIES	5,483,619	5,483,619
	UNDISTRIBUTED ADJUSTMENTS		
500	UNDISTRIBUTED ADJUSTMENTS		-179,700
	Historical unobligated balances		[-179,700]
	SUBTOTAL, UNDISTRIBUTED ADJUSTMENTS		-179,700
	TOTAL, OPERATION & MAINTENANCE, ARMY	28,591,441	27,832,741
	OPERATION & MAINTENANCE, NAVY		
	OPERATING FORCES		
10	MISSION AND OTHER FLIGHT OPERATIONS	937,098	937,098
30	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	1,000	1,000
40	AIR OPERATIONS AND SAFETY SUPPORT	15,794	15,794
50	AIR SYSTEMS SUPPORT	19,013	19,013
60	AIRCRAFT DEPOT MAINTENANCE	201,912	201,912
70	AIRCRAFT DEPOT OPERATIONS SUPPORT	3,000	3,000
80	AVIATION LOGISTICS	44,150	44,150
90	MISSION AND OTHER SHIP OPERATIONS	463,738	463,738
100	SHIP OPERATIONS SUPPORT & TRAINING	24,774	24,774
110	SHIP DEPOT MAINTENANCE	1,310,010	1,310,010
130	COMBAT COMMUNICATIONS	42,965	42,965
160	WARFARE TACTICS	25,970	25,970
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	19,226	19,226
180	COMBAT SUPPORT FORCES	1,668,359	1,668,359
190	EQUIPMENT MAINTENANCE	7,954	7,954
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	94,655	94,655
260	WEAPONS MAINTENANCE	303,087	303,087
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	3,218	3,218
300	BASE OPERATING SUPPORT	143,442	143,442
	SUBTOTAL, OPERATING FORCES	5,329,365	5,329,365

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
MOBILIZATION			
340	EXPEDITIONARY HEALTH SERVICES SYSTEMS	31,395	31,395
360	COAST GUARD SUPPORT	254,461	254,461
	SUBTOTAL, MOBILIZATION	285,856	285,856
TRAINING AND RECRUITING			
400	SPECIALIZED SKILL TRAINING	50,903	50,903
	SUBTOTAL, TRAINING AND RECRUITING	50,903	50,903
ADMIN & SRVWD ACTIVITIES			
480	ADMINISTRATION	1,377	1,377
490	EXTERNAL RELATIONS	487	487
510	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	6,022	6,022
520	OTHER PERSONNEL SUPPORT	3,514	3,514
550	SERVICEWIDE TRANSPORTATION	184,864	184,864
580	ACQUISITION AND PROGRAM MANAGEMENT	2,026	2,026
620	NAVAL INVESTIGATIVE SERVICE	1,425	1,425
710	CLASSIFIED PROGRAMS	14,556	14,556
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	214,271	214,271
UNDISTRIBUTED ADJUSTMENTS			
720	UNDISTRIBUTED ADJUSTMENTS		-22,100
	Historical unobligated balances		[-22,100]
	SUBTOTAL, UNDISTRIBUTED ADJUSTMENTS		-22,100
	TOTAL, OPERATION & MAINTENANCE, NAVY	5,880,395	5,858,295
OPERATION & MAINTENANCE, MARINE CORPS			
OPERATING FORCES			
10	OPERATIONAL FORCES	1,921,258	1,921,258
20	FIELD LOGISTICS	1,094,028	1,094,028
30	DEPOT MAINTENANCE	222,824	222,824
60	BASE OPERATING SUPPORT	88,690	88,690
	SUBTOTAL, OPERATING FORCES	3,326,800	3,326,800
TRAINING AND RECRUITING			
110	TRAINING SUPPORT	215,212	215,212
	SUBTOTAL, TRAINING AND RECRUITING	215,212	215,212
ADMIN & SRVWD ACTIVITIES			
150	SERVICEWIDE TRANSPORTATION	512,627	512,627
190	CLASSIFIED PROGRAMS	11,701	11,701
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	524,328	524,328
UNDISTRIBUTED ADJUSTMENTS			
200	UNDISTRIBUTED ADJUSTMENTS		-15,600
	Historical unobligated balances		[-15,600]
	SUBTOTAL, UNDISTRIBUTED ADJUSTMENTS		-15,600
	TOTAL, OPERATION & MAINTENANCE, MARINE CORPS	4,066,340	4,050,740
OPERATION & MAINTENANCE, AIR FORCE			
OPERATING FORCES			
10	PRIMARY COMBAT FORCES	1,494,144	1,494,144
20	COMBAT ENHANCEMENT FORCES	809,531	809,531
30	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	13,095	13,095
40	DEPOT MAINTENANCE	1,403,238	1,403,238
50	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	155,954	155,954
60	BASE SUPPORT	342,226	342,226
70	GLOBAL C3I AND EARLY WARNING	15,108	15,108
80	OTHER COMBAT OPS SPT PROGRAMS	271,390	271,390
100	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	25,400	25,400
120	SPACE CONTROL SYSTEMS	5,110	5,110
130	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	52,173	52,173
	SUBTOTAL, OPERATING FORCES	4,587,369	4,587,369
MOBILIZATION			
150	AIRLIFT OPERATIONS	3,187,211	3,187,211
160	MOBILIZATION PREPAREDNESS	43,509	43,509

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
170	DEPOT MAINTENANCE	554,943	554,943
180	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	4,431	4,431
190	BASE SUPPORT	9,256	9,256
	SUBTOTAL, MOBILIZATION	3,799,350	3,799,350
	TRAINING AND RECRUITING		
230	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	424	424
240	BASE SUPPORT	1,036	1,036
250	SPECIALIZED SKILL TRAINING	10,923	10,923
260	FLIGHT TRAINING	72	72
270	PROFESSIONAL DEVELOPMENT EDUCATION	323	323
280	TRAINING SUPPORT	352	352
	SUBTOTAL, TRAINING AND RECRUITING	13,130	13,130
	ADMIN & SRVWD ACTIVITIES		
360	LOGISTICS OPERATIONS	100,429	100,429
390	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	47,200	47,200
400	BASE SUPPORT	7,242	7,242
410	ADMINISTRATION	1,552	1,552
420	SERVICEMAN COMMUNICATIONS	82,094	82,094
430	OTHER SERVICEMAN ACTIVITIES	582,977	582,977
480	CLASSIFIED PROGRAMS	20,270	20,270
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	841,764	841,764
	UNDISTRIBUTED ADJUSTMENTS		
490	UNDISTRIBUTED ADJUSTMENTS		-34,700
	Historical unobligated balances		[-34,700]
	SUBTOTAL, UNDISTRIBUTED ADJUSTMENTS		-34,700
	TOTAL, OPERATION & MAINTENANCE, AIR FORCE	9,241,613	9,206,913
	OPERATION & MAINTENANCE, DEFENSE-WIDE OPERATING FORCES		
10	JOINT CHIEFS OF STAFF	2,000	2,000
20	SPECIAL OPERATIONS COMMAND	2,503,060	2,503,060
	SUBTOTAL, OPERATING FORCES	2,505,060	2,505,060
	ADMIN & SRVWD ACTIVITIES		
80	DEFENSE CONTRACT AUDIT AGENCY	30,674	30,674
90	DEFENSE CONTRACT MANAGEMENT AGENCY	69,803	69,803
110	DEFENSE HUMAN RESOURCES ACTIVITY	3,334	3,334
120	DEFENSE INFORMATION SYSTEMS AGENCY	152,925	152,925
140	DEFENSE LEGAL SERVICES AGENCY	102,322	102,322
160	DEFENSE MEDIA ACTIVITY	10,823	10,823
180	DEFENSE SECURITY COOPERATION AGENCY	2,200,000	1,550,000
	Program Decrease—Coalition Support Funds		[-650,000]
220	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	139,830	139,830
260	OFFICE OF THE SECRETARY OF DEFENSE	87,805	87,805
280	CLASSIFIED PROGRAMS	2,522,003	2,522,003
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	5,319,519	4,669,519
	UNDISTRIBUTED ADJUSTMENTS		
290	UNDISTRIBUTED ADJUSTMENTS		-29,300
	Historical unobligated balances		[-29,300]
	SUBTOTAL, UNDISTRIBUTED ADJUSTMENTS		-29,300
	TOTAL, OPERATION & MAINTENANCE, DEFENSE-WIDE	7,824,579	7,145,279
	OPERATION & MAINTENANCE, ARMY RES OPERATING FORCES		
30	ECHELONS ABOVE BRIGADE	78,600	78,600
50	LAND FORCES OPERATIONS SUPPORT	20,811	20,811
70	FORCE READINESS OPERATIONS SUPPORT	20,726	20,726
100	BASE OPERATIONS SUPPORT	34,400	34,400
	SUBTOTAL, OPERATING FORCES	154,537	154,537
	TOTAL, OPERATION & MAINTENANCE, ARMY RES ..	154,537	154,537
	OPERATION & MAINTENANCE, NAVY RES		

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
OPERATING FORCES			
10	MISSION AND OTHER FLIGHT OPERATIONS	24,834	24,834
20	INTERMEDIATE MAINTENANCE	300	300
40	AIRCRAFT DEPOT MAINTENANCE	13,364	13,364
60	MISSION AND OTHER SHIP OPERATIONS	8,213	8,213
80	SHIP DEPOT MAINTENANCE	929	929
100	COMBAT SUPPORT FORCES	8,244	8,244
140	BASE OPERATING SUPPORT	40	40
	SUBTOTAL, OPERATING FORCES	55,924	55,924
	TOTAL, OPERATION & MAINTENANCE, NAVY RES ...	55,924	55,924
OPERATION & MAINTENANCE, MC RESERVE			
OPERATING FORCES			
10	OPERATING FORCES	22,657	22,657
40	BASE OPERATING SUPPORT	2,820	2,820
	SUBTOTAL, OPERATING FORCES	25,477	25,477
	TOTAL, OPERATION & MAINTENANCE, MC RE- SERVE	25,477	25,477
OPERATION & MAINTENANCE, AF RESERVE			
OPERATING FORCES			
10	PRIMARY COMBAT FORCES	7,600	7,600
30	DEPOT MAINTENANCE	106,768	106,768
50	BASE SUPPORT	6,250	6,250
	SUBTOTAL, OPERATING FORCES	120,618	120,618
	TOTAL, OPERATION & MAINTENANCE, AF RE- SERVE	120,618	120,618
OPERATION & MAINTENANCE, ARNG			
OPERATING FORCES			
10	MANEUVER UNITS	38,485	38,485
20	MODULAR SUPPORT BRIGADES	1,959	1,959
30	ECHELONS ABOVE BRIGADE	20,076	20,076
40	THEATER LEVEL ASSETS	2,028	2,028
60	AVIATION ASSETS	183,811	183,811
70	FORCE READINESS OPERATIONS SUPPORT	43,780	43,780
100	BASE OPERATIONS SUPPORT	70,237	70,237
120	MANAGEMENT AND OPERATIONAL HQ'S	20,072	20,072
	SUBTOTAL, OPERATING FORCES	380,448	380,448
	ADMIN & SRVWD ACTIVITIES		
160	SERVICEWIDE COMMUNICATIONS	2,000	2,000
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	2,000	2,000
	TOTAL, OPERATION & MAINTENANCE, ARNG	382,448	382,448
OPERATION & MAINTENANCE, ANG			
OPERATING FORCES			
20	MISSION SUPPORT OPERATIONS	19,975	19,975
	SUBTOTAL, OPERATING FORCES	19,975	19,975
	TOTAL, OPERATION & MAINTENANCE, ANG	19,975	19,975
AFGHANISTAN SECURITY FORCES FUND			
MINISTRY OF DEFENSE			
10	SUSTAINMENT	2,523,825	2,523,825
20	INFRASTRUCTURE	190,000	190,000
30	EQUIPMENT AND TRANSPORTATION	241,521	241,521
40	TRAINING AND OPERATIONS	758,380	758,380
	SUBTOTAL, MINISTRY OF DEFENSE	3,713,726	3,713,726
MINISTRY OF INTERIOR			
50	SUSTAINMENT	1,305,950	1,305,950
60	INFRASTRUCTURE	50,000	50,000
70	EQUIPMENT AND TRANSPORTATION	84,859	84,859
80	TRAINING AND OPERATIONS	569,868	569,868
	SUBTOTAL, MINISTRY OF INTERIOR	2,010,677	2,010,677

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
RELATED ACTIVITIES			
90	SUSTAINMENT	18,325	18,325
100	INFRASTRUCTUE	1,200	1,200
110	EQUIPMENT & TRANSPORTATION	1,239	1,239
120	TRAINING AND OPERATIONS	4,000	4,000
	SUBTOTAL, RELATED ACTIVITIES	24,764	24,764
	TOTAL, AFGHANISTAN SECURITY FORCES FUND	5,749,167	5,749,167
AFGHANISTAN INFRASTRUCTURE FUND			
AFGHANISTAN INFRASTRUCTURE FUND			
10	POWER	400,000	375,000
	Program Decrease		[-25,000]
	SUBTOTAL, AFGHANISTAN INFRASTRUCTURE FUND	400,000	375,000
	TOTAL, AFGHANISTAN INFRASTRUCTURE FUND	400,000	375,000
	TOTAL, OPERATION & MAINTENANCE	62,512,514	60,977,114

1 **TITLE XLIV—MILITARY**
2 **PERSONNEL**

3 **SEC. 4401. MILITARY PERSONNEL.**

SEC. 4401. MILITARY PERSONNEL
(In Thousands of Dollars)

Item	FY 2013 Request	House Authorized
MILITARY PERSONNEL	135,111,799	135,726,855
Army medical evacuation paramedic certification training		[2,000]
Basic allowance for housing for members of the National Guard (Section 603)		[6,000]
Non-medical attendant travel (Section 621)		[2,000]
Reserve Components administrative absence (Section 604)		[2,000]
Restore accrual payments to the Medicare eligible health care trust fund		[672,000]
Retain 128 Air National Guard AGRs for two air sovereignty alert locations		[8,300]
Retain Air Force Force Structure		[30,000]
Retain Air Force Reserve Force Structure		[20,000]
Retain Air National Guard Force Structure		[70,826]
Retain Global Hawk		[22,200]
Unobligated balances		[-352,000]
USMC military personnel in lieu of LAV funding		[131,730]

4 **SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTIN-**
5 **GENCY OPERATIONS.**

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Item	FY 2013 Request	House Authorized
MILITARY PERSONNEL	14,060,094	14,060,094

1 **TITLE XLV—OTHER**
 2 **AUTHORIZATIONS**

3 **SEC. 4501. OTHER AUTHORIZATIONS.**

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)		
Program Title	FY 2013 Request	House Authorized
WORKING CAPITAL FUND, ARMY		
PREPOSITIONED WAR RESERVE STOCKS	60,037	60,037
TOTAL, WORKING CAPITAL FUND, ARMY	60,037	60,037
WORKING CAPITAL FUND, AIR FORCE		
SUPPLIES AND MATERIALS (MEDICAL/DENTAL)	45,452	45,452
TOTAL, WORKING CAPITAL FUND, AIR FORCE	45,452	45,452
WORKING CAPITAL FUND, DEFENSE-WIDE		
DEFENSE LOGISTICS AGENCY (DLA)	39,135	39,135
TOTAL, WORKING CAPITAL FUND, DEFENSE- WIDE	39,135	39,135
WORKING CAPITAL FUND, DECA		
WORKING CAPITAL FUND, DECA	1,371,560	1,371,560
TOTAL, WORKING CAPITAL FUND, DECA	1,371,560	1,371,560
NATIONAL DEFENSE SEALIFT FUND		
MPF MLP	38,000	38,000
POST DELIVERY AND OUTFITTING	39,386	39,386
LG MED SPD RO/RO MAINTENANCE	128,819	128,819
DOD MOBILIZATION ALTERATIONS	26,598	26,598
TAH MAINTENANCE	29,199	29,199
RESEARCH AND DEVELOPMENT	42,811	42,811
READY RESERVE FORCE	303,323	303,323
TOTAL, NATIONAL DEFENSE SEALIFT FUND	608,136	608,136
DEFENSE HEALTH PROGRAM		
IN-HOUSE CARE	8,625,507	8,625,507
PRIVATE SECTOR CARE	16,148,263	16,148,263
CONSOLIDATED HEALTH SUPPORT	2,309,185	2,309,185
INFORMATION MANAGEMENT	1,465,328	1,465,328
MANAGEMENT ACTIVITIES	332,121	332,121
EDUCATION AND TRAINING	722,081	722,081
BASE OPERATIONS/COMMUNICATIONS	1,746,794	1,746,794
UNDISTRIBUTED, OPERATION & MAINTENANCE		281,900
Foreign currency fluctuation		[-5,100]
Overfunding in electronic health record		[-30,000]
Restore estimated savings in TRICARE Prime and Standard enrollment fees and deductibles for TRICARE Standard		[273,000]
Restore pharmacy co-pay estimated savings		[179,000]
TRICARE rate adjustments		[90,000]
Unobligated balances		[-225,000]
RDT&E	672,977	672,977
PROCUREMENT	506,462	454,462
Overfunding in electronic health record		[-52,000]
TOTAL, DEFENSE HEALTH PROGRAM	32,528,718	32,758,618
CHEM AGENTS & MUNITIONS DESTRUCTION		
OPERATION & MAINTENANCE	635,843	635,843
RDT&E	647,351	647,351
PROCUREMENT	18,592	18,592

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)		
Program Title	FY 2013 Request	House Authorized
TOTAL, CHEM AGENTS & MUNITIONS DESTRUCTION	1,301,786	1,301,786
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	889,545	889,545
DRUG DEMAND REDUCTION PROGRAM	109,818	109,818
TOTAL, DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	999,363	999,363
OFFICE OF THE INSPECTOR GENERAL		
OPERATION & MAINTENANCE	272,821	272,821
PROCUREMENT	1,000	1,000
TOTAL, OFFICE OF THE INSPECTOR GENERAL	273,821	273,821
CEMETERIAL EXPENSES, ARMY		
OPERATION & MAINTENANCE	41,000	41,000
CONSTRUCTION	4,800	4,800
FACILITIES MAINTENANCE		25,000
Realignment from Operation and Maintenance, Army		[25,000]
TOTAL, CEMETERIAL EXPENSES, ARMY	45,800	70,800
TOTAL OTHER AUTHORIZATIONS	37,273,808	37,528,708

1 **SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CON-**
2 **TINGENCY OPERATIONS.**

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)		
Program Title	FY 2013 Request	House Authorized
WORKING CAPITAL FUND, ARMY		
PREPOSITIONED WAR RESERVE STOCKS	42,600	42,600
TOTAL, WORKING CAPITAL FUND, ARMY	42,600	42,600
WORKING CAPITAL FUND, AIR FORCE		
C-17 CLS ENGINE REPAIR	230,400	230,400
TRANSPORTATION FALLEN HEROES	10,000	10,000
TOTAL, WORKING CAPITAL FUND, AIR FORCE	240,400	240,400
WORKING CAPITAL FUND, DEFENSE-WIDE		
DEFENSE LOGISTICS AGENCY (DLA)	220,364	220,364
TOTAL, WORKING CAPITAL FUND, DEFENSE-WIDE	220,364	220,364
DEFENSE HEALTH PROGRAM		
IN-HOUSE CARE	483,326	483,326
PRIVATE SECTOR CARE	376,982	376,982
CONSOLIDATED HEALTH SUPPORT	111,675	111,675
INFORMATION MANAGEMENT	4,773	4,773
MANAGEMENT ACTIVITIES	660	660
EDUCATION AND TRAINING	15,370	15,370
BASE OPERATIONS/COMMUNICATIONS	1,112	1,112
TOTAL, DEFENSE HEALTH PROGRAM	993,898	993,898
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)		
Program Title	FY 2013 Request	House Authorized
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	469,025	469,025
TOTAL, DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	469,025	469,025
OFFICE OF THE INSPECTOR GENERAL		
OPERATION & MAINTENANCE	10,766	10,766
TOTAL, OFFICE OF THE INSPECTOR GENERAL	10,766	10,766
TOTAL OTHER AUTHORIZATIONS	1,977,053	1,977,053

1 **TITLE XLVI—MILITARY**
2 **CONSTRUCTION**

3 **SEC. 4601. MILITARY CONSTRUCTION.**

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2013 Request	House Agreement
	Alaska			
Army	Fort Wainwright	Modified Record Fire Range	10,400	10,400
Army	Joint Base Elmendorf-Richardson	Modified Record Fire Range	7,900	7,900
	California			
Army	Concord	Lightning Protection System	5,800	5,800
Army	Concord	Engineering/Housing Maintenance Shop	3,100	3,100
	Colorado			
Army	Fort Carson, Colorado	Digital Multipurpose Training Range	18,000	18,000
Army	Fort Carson	Central Energy Plant	0	0
	District of Columbia			
Army	Fort McNair	Vehicle Storage Building, Installation	7,200	7,200
	Georgia			
Army	Fort Gordon	Modified Record Fire Range	4,000	4,000
Army	Fort Stewart, Georgia	Unmanned Aerial Vehicle Complex	24,000	24,000
Army	Fort Stewart, Georgia	Automated Combat Pistol Qual Crse	3,650	3,650
Army	Fort Stewart, Georgia	Digital Multipurpose Training Range	22,000	22,000
Army	Fort Gordon	Multipurpose Machine Gun Range	7,100	7,100
Army	Fort Benning	Ground Source Heat Transfer System	16,000	16,000
Army	Fort Gordon	Ground Source Heat Transfer System	12,200	12,200
	Hawaii			
Army	Schofield Barracks	Barracks	55,000	55,000
Army	Pohakuloa Training Area	Automated Infantry Platoon Battle Course	29,000	29,000
Army	Schofield Barracks	Barracks	41,000	41,000
Army	Wheeler Army Air Field	Combat Aviation Brigade Barracks	85,000	85,000
	Italy			
Army	Vicenza	Simulations Center	32,000	32,000
Army	Camp Ederle	Barracks	36,000	36,000
	Japan			
Army	Sagami	Vehicle Maintenance Shop	18,000	18,000
Army	Okinawa	Satellite Communications Facility	78,000	78,000
	Kansas			
Army	Fort Riley, Kansas	Unmanned Aerial Vehicle Complex	12,200	12,200
	Kentucky			
Army	Fort Campbell, Kentucky	Battalion Headquarters Complex	55,000	55,000
Army	Fort Knox	Automated Infantry Squad Battle Course	6,000	6,000
Army	Fort Campbell, Kentucky	Live Fire Exercise Shoothouse	3,800	3,800
Army	Fort Campbell, Kentucky	Unmanned Aerial Vehicle Complex	23,000	23,000
	Korea			
Army	Camp Humphreys	Battalion Headquarters Complex	45,000	45,000
	Kwajalein Atoll			
Army	Kwajalein Atoll	Pier	0	0
	Missouri			
Army	Fort Leonard Wood	Battalion Complex Facilities	26,000	26,000

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	House Agreement
Army	Fort Leonard Wood	Vehicle Maintenance Shop	39,000	39,000
Army	Fort Leonard Wood	Trainee Barracks Complex 3, Ph 2	58,000	58,000
	New Jersey			
Army	Joint Base McGuire-Dix-Lakehurst	Flight Equipment Complex	47,000	47,000
Army	Picatinny Arsenal	Ballistic Evaluation Center	10,200	10,200
	New York			
Army	U.S. Military Academy	Cadet Barracks	192,000	192,000
Army	Fort Drum, New York	Aircraft Maintenance Hangar	95,000	95,000
	North Carolina			
Army	Fort Bragg	Aerial Gunnery Range	42,000	42,000
Army	Fort Bragg	Infrastructure	30,000	30,000
Army	Fort Bragg	Unmanned Aerial Vehicle Complex	26,000	26,000
	Oklahoma			
Army	Fort Sill	Modified Record Fire Range	4,900	4,900
	South Carolina			
Army	Fort Jackson	Trainee Barracks Complex 2, Ph 2	24,000	24,000
	Texas			
Army	Fort Hood, Texas	Modified Record Fire Range	4,200	4,200
Army	Corpus Christi	Aircraft Component Maintenance Shop	13,200	13,200
Army	Joint Base San Antonio	Barracks	21,000	21,000
Army	Fort Bliss	Multipurpose Machine Gun Range	7,200	7,200
Army	Fort Hood, Texas	Unmanned Aerial Vehicle Complex	22,000	22,000
Army	Fort Hood, Texas	Training Aids Center	25,000	25,000
Army	Corpus Christi	Aircraft Paint Shop	24,000	24,000
	Virginia			
Army	Fort Belvoir	Secure Admin/Operations Facility	94,000	94,000
Army	Fort Lee	Adv Individual Training Barracks Cplx, Ph2	81,000	81,000
Army	Arlington	Cemetery Expansion Millennium Site	84,000	84,000
	Washington			
Army	Joint Base Lewis-McChord	Battalion Complex	73,000	73,000
Army	Joint Base Lewis-McChord	Waste Water Treatment Plant	91,000	91,000
Army	Yakima	Convoy Live Fire Range	5,100	5,100
	Worldwide Unspecified			
Army	Unspecified Worldwide Locations	Minor Construction FY 13	25,000	25,000
Army	Unspecified Worldwide Locations	Host Nation Support FY 13	34,000	34,000
Army	Unspecified Worldwide Locations	Planning and Design FY13	65,173	65,173
	Total Military Construction, Army		1,923,323	1,923,323
	Arizona			
Navy	Yuma	Combat Aircraft Loading Apron	15,985	15,985
Navy	Yuma	Security Operations Complex	13,300	13,300
	Bahrain Island			
Navy	SW Asia	Transient Quarters	41,529	0
Navy	SW Asia	Combined Dining Facility	9,819	0
	California			
Navy	Miramar	Hangar 5 Renovations & Addition	27,897	27,897
Navy	Camp Pendleton, California	Comm. Information Systems Ops Complex	78,897	78,897
Navy	Point Mugu	Bams Maintenance Training Facility	0	12,790
Navy	Camp Pendleton, California	San Jacinto Road Extension	5,074	5,074
Navy	Coronado	H-60s Simulator Training Facility	2,478	2,478
Navy	Lemoore	Bams Maintenance Training Facility	14,843	0
Navy	Camp Pendleton, California	MV22 Aviation Simulator Building	4,139	4,139
Navy	Coronado	Bachelor Quarters	76,063	76,063
Navy	Twentynine Palms, California	Land Expansion Phase 2	47,270	47,270
Navy	Seal Beach	Strategic Systems Weapons Eval. Test Lab	30,594	30,594
Navy	San Diego	LCS Training Facility	59,436	59,436
Navy	San Diego	Entry Control Point (Gate Five)	11,752	11,752
	Diego Garcia			
Navy	Diego Garcia	Communications Infrastructure	1,691	1,691
	Djibouti			
Navy	Camp Lemonier, Djibouti	Fitness Center	26,960	0
Navy	Camp Lemonier, Djibouti	Joint HQ/Joint Operations Center Facility	42,730	0
Navy	Camp Lemonier, Djibouti	Galley Addition and Warehouse	22,220	0
Navy	Camp Lemonier, Djibouti	Containerized Living and Work Units	7,510	0

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	House Agreement
Navy	Florida Jacksonville	Bams Mission Control Complex	21,980	21,980
Navy	Greece Souda Bay	Intermodal Access Road	4,630	4,630
Navy	Souda Bay	Aircraft Parking Apron Expansion	20,493	20,493
Navy	Guam Joint Region Marianas	North Ramp Parking (Andersen AFB)—Inc 2	25,904	25,904
Navy	Hawaii Kaneohe Bay	Aircraft Staging Area	14,680	14,680
Navy	Kaneohe Bay	MV-22 Hangar and Infrastructure	82,630	82,630
Navy	Japan Iwakuni	Vertical Take-Off and Landing Pad North	7,416	7,416
Navy	Iwakuni	Maintenance Hangar Improvements	5,722	5,722
Navy	Okinawa	Bachelor Quarters	8,206	8,206
Navy	Mississippi Meridian	Dining Facility	10,926	10,926
Navy	New Jersey Earle	Combat System Engineering Building Addition	33,498	33,498
Navy	North Carolina Camp Lejeune, North Carolina	Base Access and Road—Phase 3	40,904	40,904
Navy	New River	Personnel Administration Center	8,525	8,525
Navy	Cherry Point Marine Corps Air Station	Marine Air Support Squadron Compound	34,310	34,310
Navy	Camp Lejeune, North Carolina	Staff NCO Academy Facilities	28,986	28,986
Navy	Cherry Point Marine Corps Air Station	Armory	11,581	11,581
Navy	Romania Deveselu, Romania	Aegis Ashore Missile Defense Complex	45,205	45,205
Navy	South Carolina Beaufort	Simulated Lhd Flight Deck	12,887	12,887
Navy	Beaufort	Ground Support Equipment Shop	9,465	9,465
Navy	Beaufort	Aircraft Maintenance Hangar	42,010	42,010
Navy	Beaufort	Airfield Security Upgrades	13,675	13,675
Navy	Parris Island	Front Gate Atfp Improvements	10,135	10,135
Navy	Beaufort	Recycling/Hazardous Waste Facility	3,743	3,743
Navy	Spain Rota	General Purpose Warehouse	3,378	3,378
Navy	Rota	High Explosive Magazine	13,837	13,837
Navy	Virginia Quantico	Weapons Training Battalion Mess Hall	12,876	12,876
Navy	Dahlgren	Cruiser/Destroyer Upgrade Training Facility	16,494	16,494
Navy	Yorktown	Supply Warehouse Facility	8,939	8,939
Navy	Yorktown	Motor Transportation Facility	6,188	6,188
Navy	Yorktown	Bachelor Enlisted Quarters	18,422	18,422
Navy	Yorktown	Armory	4,259	4,259
Navy	Yorktown	Regimental Headquarters	11,015	11,015
Navy	Quantico	Infrastructure—Widen Russell Road	14,826	14,826
Navy	Quantico	The Basic School Student Quarters—Phase 7	31,012	31,012
Navy	Portsmouth	Drydock 8 Electrical Distribution Upgrade	32,706	32,706
Navy	Dahlgren	Physical Fitness Center	11,734	11,734
Navy	Oceana Naval Air Station	A School Barracks	39,086	39,086
Navy	Washington Kitsap	Explosives Handling Wharf #2 (Inc)	280,041	280,041
Navy	Whidbey Island	EA-18G Flight Simulator Facility	6,272	6,272
Navy	Worldwide Unspecified Unspecified Worldwide Locations	MCON Design Funds	102,619	102,619
Navy	Various Worldwide Locations	BAMS Operational Facilities	34,048	34,048
Navy	Unspecified Worldwide Locations	Unspecified Minor Construction	16,535	16,535
Total Military Construction, Navy			1,701,985	1,549,164
AF	Arkansas Little Rock AFB	C-130J Fuel Systems Maintenance Hangar	26,000	26,000
AF	Little Rock AFB	C-130J Flight Simulator Addition	4,178	4,178
AF	Florida Tyndall AFB	F-22 Adal Hangar for Low Observable/Composite	14,750	14,750
AF	Georgia Fort Stewart, Georgia	Air Support Operations Center (ASOC)	7,250	7,250
AF	Moody AFB	HC-130J Simulator Facility	8,500	8,500
AF	Greenland Thule AB	Dormitory (48 Ph)	24,500	24,500
AF	Thule AB	Consolidated Engineer Shop and Supply Facility	0	0
	Guam			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	House Agreement
AF	Andersen AFB	Fuel Systems Hangar	0	0
	Italy			
AF	Aviano AB	F-16 Mission Training Center	9,400	9,400
	Nebraska			
AF	Offutt AFB	US STRATCOM Replacement Facility, Incr 2	161,000	161,000
	New Mexico			
AF	Holloman AFB	MQ-9 Maintenance Hangar	25,000	25,000
	North Dakota			
AF	Minot AFB	B-52 Add/Alter Munitions Age Facility	4,600	4,600
	Texas			
AF	Joint Base San Antonio	Dormitory (144 Rm)	18,000	18,000
	Utah			
AF	Hill AFB	F-35 Modular Storage Magazines	2,280	2,280
AF	Hill AFB	F-35 Adal Building 118 for Flight Simulator	4,000	4,000
AF	Hill AFB	F-35 Adal Hangar 45w/AMU	7,250	7,250
	Worldwide Unspecified			
AF	Unspecified Worldwide Locations	Transient Aircraft Hangars	15,032	15,032
AF	Unspecified Worldwide Locations	Transient Contingency Dormitory—100 Rm	17,625	17,625
AF	Unspecified Worldwide Locations	Planning and Design	18,635	18,635
AF	Various Worldwide Locations	Unspecified Minor Construction	18,200	18,200
AF	Unspecified Worldwide Locations	Sanitary Sewer Lift/Pump Station	2,000	2,000
	Total Military Construction, Air Force		388,200	388,200
	Arizona			
Def-Wide	Yuma	Truck Unload Facility	1,300	1,300
	Belgium			
Def-Wide	Brussels	NATO Headquarters Facility	26,969	26,969
	California			
Def-Wide	Coronado	SOF Close Quarters Combat/Dynamic Shoot Fac	13,969	13,969
Def-Wide	Coronado	SOF Mobile Comm Detachment Support Facility	10,120	10,120
Def-Wide	Coronado	SOF Indoor Dynamic Shooting Facility	31,170	31,170
Def-Wide	Edwards Air Force Base	Replace Fuel Storage	27,500	27,500
Def-Wide	Twentynine Palms, California	Medical Clinic Replacement	27,400	27,400
Def-Wide	Def Fuel Support Point—San Diego	Replace Fuel Pier	91,563	91,563
	Colorado			
Def-Wide	Fort Carson, Colorado	SOF Battalion Operations Complex	56,673	56,673
Def-Wide	Buckley Air Force Base	Denver Power House	30,000	30,000
Def-Wide	Pikes Peak	High Altitude Medical Research Lab	3,600	3,600
	Comus Classified			
Def-Wide	Classified Location	SOF Parachute Training Facility	6,477	6,477
	Delaware			
Def-Wide	Dover AFB	Replace Truck Off-Load Facility	2,000	2,000
	Florida			
Def-Wide	Hurlburt Field	Construct Fuel Storage Facility	16,000	16,000
Def-Wide	Eglin AFB	SOF Avfid Ops and Maintenance Facilities	41,695	41,695
Def-Wide	MacDill AFB	SOF Joint Special Ops University Fac (JSOU)	34,409	34,409
	Germany			
Def-Wide	Stuttgart-Pateh Barracks	DISA Europe Facility Upgrades	2,413	2,413
Def-Wide	Rhine Ordnance Barracks	Medical Center Replacement Incr 2	127,000	127,000
Def-Wide	Weisbaden	Weisbaden High School Addition	52,178	52,178
Def-Wide	Vogelweh	Replace Vogelweh Elementary School	61,415	61,415
	Guam			
Def-Wide	Andersen AFB	Upgrade Fuel Pipeline	67,500	67,500
	Guantanamo Bay, Cuba			
Def-Wide	Guantanamo Bay	Replace Truck Load Facility	2,600	2,600
Def-Wide	Guantanamo Bay	Replace Fuel Pier	37,600	37,600
	Hawaii			
Def-Wide	Joint Base Pearl Harbor-Hickam	SOF SDVT-1 Waterfront Operations Facility	24,289	24,289
	Illinois			
Def-Wide	Great Lakes	Drug Laboratory Replacement	28,700	28,700
Def-Wide	Scott AFB	DISA Facility Upgrades	84,111	84,111
Def-Wide	Scott AFB	Medical Logistics Warehouse	2,600	2,600
	Indiana			
Def-Wide	Grissom ARB	Replace Hydrant Fuel System	26,800	26,800
	Japan			
Def-Wide	Kadena AB	Replace Elementary School	71,772	71,772
Def-Wide	Zukeran	Replace Zukeran Elementary School	79,036	79,036
Def-Wide	Sasebo	Replace Sasebo Elementary School	35,733	35,733

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	House Agreement
Def-Wide	Camp Zama	Renovate Zama High School	13,273	13,273
Def-Wide	Kadena AB	Replace Stearley Heights Elementary School	71,773	71,773
	Kentucky			
Def-Wide	Fort Campbell, Kentucky	SOF Landgraf Hangar Extension	3,559	3,559
Def-Wide	Fort Campbell, Kentucky	Replace Barkley Elementary School	41,767	41,767
Def-Wide	Fort Campbell, Kentucky	SOF Ground Support Battalion	26,313	26,313
	Korea			
Def-Wide	Osan AFB	Hospital Addition/Alteration	34,600	34,600
Def-Wide	Kunsan Air Base	Medical/Dental Clinic Addition	13,000	13,000
Def-Wide	Osan AFB	Replace Osan Elementary School	42,692	42,692
	Louisiana			
Def-Wide	Barksdale AFB	Upgrade Pumphouse	11,700	11,700
	Maryland			
Def-Wide	Fort Meade	NSAW Recapitalize Building #1/Site M Inc 1	25,000	25,000
Def-Wide	Fort Detrick	USAMRIID Stage 1, Incr 7	19,000	19,000
Def-Wide	Fort Meade	High Performance Computing Center Inc 2	300,521	300,521
Def-Wide	Bethesda Naval Hospital	Base Installation Access/Appearance Plan	7,000	7,000
Def-Wide	Bethesda Naval Hospital	Temporary Medical Facilities	26,600	26,600
Def-Wide	Annapolis	Health Clinic Replacement	66,500	66,500
Def-Wide	Bethesda Naval Hospital	Electrical Capacity and Cooling Towers	35,600	35,600
	Missouri			
Def-Wide	Fort Leonard Wood	Dental Clinic	18,100	18,100
	New Mexico			
Def-Wide	Cannon AFB	Medical/Dental Clinic Replacement	71,023	71,023
Def-Wide	Cannon AFB	SOF AC-130J Combat Parking Apron	22,062	22,062
	New York			
Def-Wide	Fort Drum, New York	Soldier Specialty Care Clinic	17,300	17,300
Def-Wide	Fort Drum, New York	Idt Complex	25,900	25,900
	North Carolina			
Def-Wide	Seymour Johnson AFB	Replace Pipeline	1,850	1,850
Def-Wide	Camp Lejeune, North Carolina	Medical Clinic Replacement	21,200	21,200
Def-Wide	Camp Lejeune, North Carolina	SOF Marine Battalion Company/Team Facilities	53,399	53,399
Def-Wide	Camp Lejeune, North Carolina	SOF Survival Evasion Resist. Escape Tng Fac	5,465	5,465
Def-Wide	Fort Bragg	SOF Support Addition	3,875	3,875
Def-Wide	Fort Bragg	SOF Battalion Operations Facility	40,481	40,481
Def-Wide	Fort Bragg	SOF Civil Affairs Battalion Complex	31,373	31,373
Def-Wide	Seymour Johnson AFB	Medical Clinic Replacement	53,600	53,600
Def-Wide	Fort Bragg	SOF Sustainment Brigade Complex	24,693	24,693
	Pennsylvania			
Def-Wide	Def Distribution Depot New Cumberland	Replace Sewage Treatment Plant	6,300	6,300
Def-Wide	Def Distribution Depot New Cumberland	Replace Communications Building	6,800	6,800
Def-Wide	Def Distribution Depot New Cumberland	Replace Reservoir	4,300	4,300
	Romania			
Def-Wide	Deveselu, Romania	Aegis Ashore Missile Defense System Complex	157,900	82,900
	South Carolina			
Def-Wide	Shaw AFB	Medical Clinic Replacement	57,200	57,200
	Texas			
Def-Wide	Joint Base San Antonio	Ambulatory Care Center Phase 3 Incr	80,700	80,700
Def-Wide	Red River Army Depot	DFAS Facility	16,715	16,715
Def-Wide	Fort Bliss	Hospital Replacement Incr 4	207,400	207,400
	United Kingdom			
Def-Wide	Raf Feltwell	Feltwell Elementary School Addition	30,811	30,811
Def-Wide	Raf Mildenhall	SOF CV-22 Simulator Facility	6,490	6,490
Def-Wide	Menwith Hill Station	Mhs Utilities and Roads	3,795	3,795
Def-Wide	Menwith Hill Station	Replace Menwith Hill Elementary/High School	46,488	46,488
	Utah			
Def-Wide	Camp Williams	IC CNCI Data Center 1 Inc 4	191,414	191,414
	Virginia			
Def-Wide	Dam Neck	SOF Magazines	0	0
Def-Wide	Norfolk	Veterinary Facility Replacement	8,500	8,500
Def-Wide	Joint Expeditionary Base Little Creek—Story	SOF Combat Services Support Facility—East	11,132	11,132
	Washington			
Def-Wide	Fort Lewis	SOF Battalion Operations Facility	46,553	46,553
Def-Wide	Fort Lewis	SOF Military Working Dog Kennel	3,967	3,967

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	House Agreement
	Worldwide Unspecified			
Def-Wide	Unspecified Worldwide Locations	Planning and Design	27,620	27,620
Def-Wide	Unspecified Worldwide Locations	Planning and Design	8,300	8,300
Def-Wide	Unspecified Worldwide Locations	Planning and Design	4,548	4,548
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	4,091	4,091
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Milcon	3,000	3,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design	2,919	2,919
Def-Wide	Unspecified Worldwide Locations	Exercise Related Minor Construction	6,440	6,440
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Const	10,000	10,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design	47,978	47,978
Def-Wide	Unspecified Worldwide Locations	Planning and Design	105,569	105,569
Def-Wide	Unspecified Worldwide Locations	Planning and Design	7,928	7,928
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	7,254	7,254
Def-Wide	Unspecified Worldwide Locations	Planning & Design	5,000	5,000
Def-Wide	Unspecified Worldwide Locations	Energy Conservation Investment Program	150,000	150,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design	105,700	105,700
Def-Wide	Unspecified Worldwide Locations	SOF Operations and Skills Training Complex	0	0
Def-Wide	Unspecified Worldwide Locations	Minor Construction	5,000	5,000
Def-Wide	Unspecified Worldwide Locations	Contingency Construction	10,000	0
	Total Military Construction, Defense-Wide		3,654,623	3,569,623
	Colorado			
Chem Demil	Pueblo Depot	Ammunition Demilitarization Facility, Ph XIV	36,000	36,000
	Kentucky			
Chem Demil	Blue Grass Army Depot	Ammunition Demilitarization Ph XIII	115,000	115,000
	Total Chemical Demilitarization Construction, Defense		151,000	151,000
	Worldwide Unspecified			
NATO	NATO Security Investment Program	NATO Security Investment Program	254,163	254,163
	Total NATO Security Investment Program		254,163	254,163
	Alabama			
Army NG	Fort McClellan	Live Fire Shoot House	5,400	5,400
	Arkansas			
Army NG	Searcy	Field Maintenance Shop	6,800	6,800
	California			
Army NG	Fort Irwin	Maneuver Area Training & Equipment Site Ph3	25,000	25,000
	Connecticut			
Army NG	Camp Hartell	Combined Support Maintenance Shop	32,000	32,000
	Delaware			
Army NG	Bethany Beach	Regional Training Institute Ph1	5,500	5,500
	Florida			
Army NG	Miramar	Readiness Center	20,000	20,000
Army NG	Camp Blanding	Combined Arms Collective Training Fac	9,000	9,000
	Guam			
Army NG	Barrigada	JFHQ Ph4	8,500	8,500
	Hawaii			
Army NG	Kapolei	Army Aviation Support Facility Ph1	28,000	28,000
	Idaho			
Army NG	Orchard Trainig Area	ORTC(Barracks)Ph2	40,000	40,000
	Indiana			
Army NG	Terre Haute	Field Maintenance Shop	9,000	9,000
Army NG	South Bend	Armed Forces Reserve Center Add/Alt	21,000	21,000
	Iowa			
Army NG	Camp Dodge	Urban Assault Course	3,000	3,000
	Kansas			
Army NG	Topeka	Taxiway, Ramp & Hangar Alterations	9,500	9,500

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	House Agreement
Army NG	Kentucky Frankfort	Army Aviation Support Facility	32,000	32,000
Army NG	Massachusetts Camp Edwards	Ground Water Extraction, Treatment, and Recharge System.	0	0
Army NG	Camp Edwards	Unit Training Equipment Site	22,000	22,000
Army NG	Michigan Camp Grayling	Operational Readiness Training Complex (ORTC) Barracks.	0	0
Army NG	Minnesota Camp Ripley	Scout Reconnaissance Range	17,000	17,000
Army NG	St Paul	Readiness Center	17,000	17,000
Army NG	Missouri Fort Leonard Wood	Regional Training Institute	18,000	18,000
Army NG	Kansas City	Readiness Center Add/Alt	1,900	1,900
Army NG	Perryville	Readiness Center Add/Alt	700	700
Army NG	Monett	Readiness Center Add/Alt	820	820
Army NG	Montana Miles City	Readiness Center	11,000	11,000
Army NG	New Jersey Sea Girt	Regional Training Institute	34,000	34,000
Army NG	New York Stormville	Combined Support Maint Shop Ph1	24,000	24,000
Army NG	Ohio Delaware	Readiness Center	12,000	12,000
Army NG	Chillicothe	Field Maintenance Shop Add/Alt	3,100	3,100
Army NG	Oklahoma Camp Gruber	Operations Readiness Training Complex	25,000	25,000
Army NG	Puerto Rico Guaynabo	Readiness Center (JFHQ)	15,000	15,000
Army NG	Gurabo	Readiness Center	14,700	14,700
Army NG	Ceiba	Refill Station Building	2,200	2,200
Army NG	Camp Santiago	Readiness Center	3,800	3,800
Army NG	Utah Camp Williams	Regional Training Institute Ph2	21,000	21,000
Army NG	Camp Williams	BEQ Facility (Regional Training Institute)	15,000	15,000
Army NG	Vermont North Hyde Park	Field Maintenance Shop	0	0
Army NG	Washington Fort Lewis	Readiness Center	35,000	35,000
Army NG	West Virginia Logan	Readiness Center	14,200	14,200
Army NG	Wisconsin Wausau	Field Maintenance Shop	10,000	10,000
Army NG	Worldwide Unspecified Unspecified Worldwide Locations	Planning and Design	26,622	26,622
Army NG	Unspecified Worldwide Locations	Unspecified Minor Construction	15,057	15,057
Total Military Construction, Army National Guard			613,799	613,799
Army Res	California Fort Hunter Liggett	UPH Barracks	4,300	4,300
Army Res	Tustin	Army Reserve Center	27,000	27,000
Army Res	Fort Hunter Liggett	Access Control Point	0	0
Army Res	Fort Hunter Liggett	ORTC	64,000	64,000
Army Res	Illinois Fort Sheridan	Army Reserve Center	28,000	28,000
Army Res	Maryland Baltimore	Add/Alt Army Reserve Center	10,000	10,000
Army Res	Aberdeen Proving Ground	Army Reserve Center	21,000	21,000
Army Res	Massachusetts Devens Reserve Forces Training Area	Automatic Record Fire Range	4,800	4,800
Army Res	Devens Reserve Forces Training Area	Combat Pistol/MP Firearms Qualification	3,700	3,700
Army Res	Nevada Las Vegas	Army Reserve Center/AMSA	21,000	21,000
Army Res	New Jersey Joint Base McGuire-Dix-Lakehurst	Automated Infantry Squad Battle Course	7,400	7,400
Army Res	Pennsylvania Conneaut Lake	Defense Access Road	0	0
Army Res	Washington Joint Base Lewis-McChord	Army Reserve Center	40,000	40,000
Army Res	Wisconsin			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	House Agreement
Army Res	Fort McCoy	ECS Tactical Equip. Maint. Facility (TEMP)	27,000	27,000
Army Res	Fort McCoy	Central Issue Facility	12,200	12,200
Army Res	Fort McCoy	Dining Facility	8,600	8,600
	Worldwide Unspecified			
Army Res	Unspecified Worldwide Locations	Planning and Design	15,951	15,951
Army Res	Unspecified Worldwide Locations	Unspecified Minor Construction	10,895	10,895
	Total Military Construction, Army Reserve		305,846	305,846
	Arizona			
N/MC Res	Yuma	Reserve Training Facility—Yuma AZ	5,379	5,379
	Iowa			
N/MC Res	Fort Des Moines	Joint Reserve Center—Des Moines IA	19,162	19,162
	Louisiana			
N/MC Res	New Orleans	Transient Quarters	7,187	7,187
	New York			
N/MC Res	Brooklyn	Vehicle Maint. Fac.—Brooklyn NY	4,430	4,430
	Texas			
N/MC Res	Fort Worth	Commercial Vehicle Inspection Site	11,256	11,256
	Worldwide Unspecified			
N/MC Res	Unspecified Worldwide Locations	Planning and Design	2,118	2,118
	Total Military Construction, Naval Reserve		49,532	49,532
	California			
Air NG	Fresno Yosemite IAP ANG	F-15 Conversion	11,000	11,000
	Hawaii			
Air NG	Joint Base Pearl Harbor-Hickam	TFI—F-22 Combat Apron Addition	6,500	6,500
	New Mexico			
Air NG	Kirtland AFB	Alter Target Intelligence Facility	8,500	8,500
	Tennessee			
Air NG	Meghee-Tyson Airport	Dormitory Classroom Facility	0	0
	Worldwide Unspecified			
Air NG	Various Worldwide Locations	Unspecified Minor Construction	5,900	5,900
Air NG	Various Worldwide Locations	Planning and Design	4,000	4,000
	Wyoming			
Air NG	Cheyenne Map	C-130 Flight Simulator Training Facility	6,486	6,486
	Total Military Construction, Air National Guard		42,386	42,386
	California			
AF Res	March Air Reserve Base	Joint Regional Deployment Processing Center	0	0
	New York			
AF Res	Niagara Falls IAP	Flight Simulator Facility	6,100	6,100
	Worldwide Unspecified			
AF Res	Various Worldwide Locations	Planning and Design	2,879	2,879
AF Res	Various Worldwide Locations	Unspecified Minor Construction	2,000	2,000
	Total Military Construction, Air Force Reserve		10,979	10,979
	Worldwide Unspecified			
FH Con Army	Unspecified Worldwide Locations	Family Housing P&D	4,641	4,641
	Total Family Housing Construction, Army		4,641	4,641
	Worldwide Unspecified			
FH Ops Army	Unspecified Worldwide Locations	Maintenance of Real Property	109,534	109,534
FH Ops Army	Unspecified Worldwide Locations	Leasing	203,533	203,533
FH Ops Army	Unspecified Worldwide Locations	Miscellaneous Account	620	620
FH Ops Army	Unspecified Worldwide Locations	Furnishings Account	31,785	31,785
FH Ops Army	Unspecified Worldwide Locations	Services Account	13,487	13,487
FH Ops Army	Unspecified Worldwide Locations	Utilities Account	88,112	88,112
FH Ops Army	Unspecified Worldwide Locations	Management Account	56,970	56,970
FH Ops Army	Unspecified Worldwide Locations	Privatization Support Costs	26,010	26,010
	Total Family Housing Operation And Maintenance, Army		530,051	530,051

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	House Agreement
	Worldwide Unspecified			
FH Con AF	Unspecified Worldwide Locations	Improvements	79,571	79,571
FH Con AF	Unspecified Worldwide Locations	Planning and Design	4,253	4,253
Total Family Housing Construction, Air Force			83,824	83,824
	Worldwide Unspecified			
FH Ops AF	Unspecified Worldwide Locations	Leasing	62,730	62,730
FH Ops AF	Unspecified Worldwide Locations	Housing Privatization	46,127	46,127
FH Ops AF	Unspecified Worldwide Locations	Maintenance (RPMA RPMC)	201,937	201,937
FH Ops AF	Unspecified Worldwide Locations	Services Account	16,550	16,550
FH Ops AF	Unspecified Worldwide Locations	Furnishings Account	37,878	37,878
FH Ops AF	Unspecified Worldwide Locations	Utilities Account	75,662	75,662
FH Ops AF	Unspecified Worldwide Locations	Miscellaneous Account	1,943	1,943
FH Ops AF	Unspecified Worldwide Locations	Management Account	55,002	55,002
Total Family Housing Operation And Maintenance, Air Force			497,829	497,829
	Worldwide Unspecified			
FH Con Navy	Unspecified Worldwide Locations	Improvements	97,655	97,655
FH Con Navy	Unspecified Worldwide Locations	Design	4,527	4,527
Total Family Housing Construction, Navy And Marine Corps			102,182	102,182
	Worldwide Unspecified			
FH Ops Navy	Unspecified Worldwide Locations	Privatization Support Costs	27,798	27,798
FH Ops Navy	Unspecified Worldwide Locations	Utilities Account	80,860	80,860
FH Ops Navy	Unspecified Worldwide Locations	Furnishings Account	17,697	17,697
FH Ops Navy	Unspecified Worldwide Locations	Management Account	62,741	62,741
FH Ops Navy	Unspecified Worldwide Locations	Leasing	83,774	83,774
FH Ops Navy	Unspecified Worldwide Locations	Maintenance of Real Property	85,254	85,254
FH Ops Navy	Unspecified Worldwide Locations	Services Account	19,615	19,615
FH Ops Navy	Unspecified Worldwide Locations	Miscellaneous Account	491	491
Total Family Housing Operation And Maintenance, Navy And Marine Corps			378,230	378,230
	Worldwide Unspecified			
FH Ops DW	Unspecified Worldwide Locations	Maintenance of Real Property	567	567
FH Ops DW	Unspecified Worldwide Locations	Leasing	10,822	10,822
FH Ops DW	Unspecified Worldwide Locations	Leasing	35,333	35,333
FH Ops DW	Unspecified Worldwide Locations	Maintenance of Real Property	73	73
FH Ops DW	Unspecified Worldwide Locations	Management Account	371	371
FH Ops DW	Unspecified Worldwide Locations	Utilities Account	283	283
FH Ops DW	Unspecified Worldwide Locations	Utilities Account	12	12
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account	4,660	4,660
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account	66	66
FH Ops DW	Unspecified Worldwide Locations	Services Account	31	31
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account	20	20
Total Family Housing Operation And Maintenance, Defense-Wide			52,238	52,238

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	House Agreement
FHIF	Worldwide Unspecified Unspecified Worldwide Locations	Family Housing Improvement Fund	1,786	1,786
Total DOD Family Housing Improvement Fund			1,786	1,786
BRAC 05	Worldwide Unspecified Unspecified Worldwide Locations	Program Management Various Locations	605	605
BRAC 05	Unspecified Worldwide Locations	USA-223: Fort Monmouth, NJ	9,989	9,989
BRAC 05	Unspecified Worldwide Locations	USA-36: Red River Army Depot	1,385	1,385
BRAC 05	Unspecified Worldwide Locations	USA-242: RC Transformation in NY	172	172
BRAC 05	Unspecified Worldwide Locations	USA-212: USAR Cmd & Cntrl—New England	222	222
BRAC 05	Unspecified Worldwide Locations	USA-167: USAR Command and Control—NE	175	175
BRAC 05	Unspecified Worldwide Locations	DON-84: JRB Willow Grove & Cambria Reg Ap	189	189
BRAC 05	Unspecified Worldwide Locations	USA-253: RC Transformation in PA	100	100
BRAC 05	Unspecified Worldwide Locations	USA-113: Fort Monroe, VA	12,184	12,184
BRAC 05	Unspecified Worldwide Locations	MED-57: Brooks City Base, TX	326	326
BRAC 05	Unspecified Worldwide Locations	DON-168: NS Newport, RI	1,742	1,742
BRAC 05	Unspecified Worldwide Locations	DON-100: Planing, Design and Management	5,038	5,038
BRAC 05	Unspecified Worldwide Locations	Comm Add 3: Galena Fol, AK	1,337	1,337
BRAC 05	Unspecified Worldwide Locations	IND-112: River Bank Army Ammo Plant, CA	22,431	22,431
BRAC 05	Unspecified Worldwide Locations	DON-172: NWS Seal Beach, Concord, CA	2,129	2,129
BRAC 05	Unspecified Worldwide Locations	USA-236: RC Transformation in CT	557	557
BRAC 05	Unspecified Worldwide Locations	DON-157: MCSA Kansas City, MO	39	39
BRAC 05	Unspecified Worldwide Locations	USA-222: Fort McPherson, GA	6,772	6,772
BRAC 05	Unspecified Worldwide Locations	USA-121: Fort Gillem, GA	4,976	4,976
BRAC 05	Unspecified Worldwide Locations	DON-138: NAS Brunswick, ME	4,897	4,897
BRAC 05	Unspecified Worldwide Locations	MED-2: Walter Reed NMMC, Bethesda, MD	7,787	7,787
BRAC 05	Unspecified Worldwide Locations	DON-101: Various Locations	4,176	4,176
BRAC 05	Unspecified Worldwide Locations	IND-110: Mississippi Army Ammo Plant, MS	160	160
BRAC 05	Unspecified Worldwide Locations	Program Management Various Locations	20,453	20,453
BRAC 05	Unspecified Worldwide Locations	IND-119: Newport Chemical Depot, IN	197	197
BRAC 05	Unspecified Worldwide Locations	IND-106: Kansas Army Ammunition Plant, KS	7,280	7,280
BRAC 05	Unspecified Worldwide Locations	IND-122: Lone Star Army Ammo Plant, TX	11,379	11,379
Total Base Realignment and Closure Account 2005			126,697	126,697
BRAC IV	Worldwide Unspecified Base Realignment & Closure, Navy	Base Realignment & Closure	146,951	146,951
BRAC IV	Base Realignment & Closure, Air Force	Base Realignment & Closure	122,552	122,552
BRAC IV	Base Realignment & Closure, Army	Base Realignment & Closure	79,893	79,893
Total Base Realignment and Closure Account 1990			349,396	349,396
PYS	Worldwide Unspecified Unspecified Worldwide Locations	BRAC 2005	0	-126,697
PYS	Unspecified Worldwide Locations	Contingency Construction	0	-20,000
Total Prior Year Savings			0	-146,697
Total Military Construction			11,222,710	10,838,192

1 **SEC. 4602. OVERSEAS CONTINGENCY OPERATIONS.**

SEC. 4602. OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2013 Request	Agreement
	Bahrain Island			
Navy	SW Asia	Transient Quarters	0	41,529
Navy	SW Asia	Combined Dining Facility	0	9,819
	Djibouti			
Navy	Camp Lemonier, Djibouti	Joint HQ/Joint Operations Center Facility	0	42,730
Navy	Camp Lemonier, Djibouti	Galley Addition and Warehouse	0	22,220
Navy	Camp Lemonier, Djibouti	Fitness Center	0	26,960
Navy	Camp Lemonier, Djibouti	Containerized Living and Work Units	0	7,510
	Total Military Construction, Navy		0	150,768
	Worldwide Unspecified			
PYS	Unspecified Worldwide Locations	112-10 and Title IV of Division H P.L. 112-74	0	-150,768
	Total Prior Year Savings		0	-150,768
	Total Military Construction		0	0

2 **TITLE XLVII—DEPARTMENT OF**
 3 **ENERGY NATIONAL SECURITY**
 4 **PROGRAMS**

5 **SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY**
 6 **PROGRAMS.**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY2013 Request	House Authorized
Discretionary Summary By Appropriation		
Energy And Water Development, And Related Agencies		
Appropriation Summary:		
Energy Programs		
Electricity delivery and energy reliability	6,000	6,000
Atomic Energy Defense Activities		
National nuclear security administration:		
Weapons activities	7,577,341	7,900,979
Defense nuclear nonproliferation	2,458,631	2,485,631
Naval reactors	1,088,635	1,187,635
Office of the administrator	411,279	363,279
Total, National nuclear security administration	11,535,886	11,937,524
Environmental and other defense activities:		
Defense environmental cleanup	5,472,001	5,482,001
Other defense activities	735,702	685,702
Total, Environmental & other defense activities	6,207,703	6,167,703
Total, Atomic Energy Defense Activities	17,743,589	18,105,227
Total, Discretionary Funding	17,749,589	18,111,227
Electricity Delivery & Energy Reliability		
Electricity Delivery & Energy Reliability		
Infrastructure security & energy restoration	6,000	6,000
Weapons Activities		
Directed stockpile work		
Life extension programs		
B61 Life extension program	369,000	435,000
W76 Life extension program	174,931	255,931

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY2013 Request	House Authorized
Total, Life extension programs	543,931	690,931
Stockpile systems		
B61 Stockpile systems	72,364	72,364
W76 Stockpile systems	65,445	65,445
W78 Stockpile systems	139,207	151,207
W80 Stockpile systems	46,540	46,540
B83 Stockpile systems	57,947	57,947
W87 Stockpile systems	85,689	85,689
W88 Stockpile systems	123,217	128,217
Total, Stockpile systems	590,409	607,409
Weapons dismantlement and disposition		
Operations and maintenance	51,265	51,265
Stockpile services		
Production support	365,405	371,405
Research and development support	28,103	32,103
R&D certification and safety	191,632	218,632
Management, technology, and production	175,844	184,844
Plutonium sustainment	141,685	150,685
Total, Stockpile services	902,669	957,669
Total, Directed stockpile work	2,088,274	2,307,274
Campaigns:		
Science campaign		
Advanced certification	44,104	73,604
Primary assessment technologies	94,000	101,000
Dynamic materials properties	97,000	106,000
Advanced radiography	30,000	30,000
Secondary assessment technologies	85,000	85,000
Total, Science campaign	350,104	395,604
Engineering campaign		
Enhanced surety	46,421	54,921
Weapon systems engineering assessment technology	18,983	18,983
Nuclear survivability	21,788	21,788
Enhanced surveillance	63,379	71,379
Total, Engineering campaign	150,571	167,071
Inertial confinement fusion ignition and high yield campaign		
Diagnostics, cryogenics and experimental support	81,942	81,942
Ignition	84,172	54,172
Support of other stockpile programs	14,817	34,817
Pulsed power inertial confinement fusion	6,044	6,044
Joint program in high energy density laboratory plasmas	8,334	8,334
Facility operations and target production	264,691	264,691
Total, Inertial confinement fusion and high yield campaign	460,000	450,000
Advanced simulation and computing campaign	600,000	570,000
Readiness Campaign		
Nonnuclear readiness	64,681	64,681
Tritium readiness	65,414	65,414
Total, Readiness campaign	130,095	130,095
Total, Campaigns	1,690,770	1,712,770
Readiness in technical base and facilities (RTBF)		
Operations of facilities		
Kansas City Plant	163,602	163,602
Lawrence Livermore National Laboratory	89,048	89,048
Los Alamos National Laboratory	335,978	335,978
Nevada National Security Site	115,697	115,697
Pantex	172,020	172,020
Sandia National Laboratory	167,384	167,384
Savannah River Site	120,577	120,577
Y-12 National security complex	255,097	255,097
Total, Operations of facilities	1,419,403	1,419,403
Science, technology and engineering capability support	166,945	166,945

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY2013 Request	House Authorized
Nuclear operations capability support	203,346	203,346
Subtotal, Readiness in technical base and facilities	1,789,694	1,789,694
Construction:		
13-D-301 Electrical infrastructure upgrades, LANL/LLNL	23,000	23,000
12-D-301 TRU waste facilities, LANL	24,204	24,204
11-D-801 TA-55 Reinvestment project, LANL	8,889	8,889
10-D-501 Nuclear facilities risk reduction Y-12 National security complex	17,909	17,909
09-D-404 Test capabilities revitalization II, Sandia National Lab- oratories,	11,332	11,332
08-D-802 High explosive pressing facility Pantex Plant, Amarillo, TX	24,800	24,800
06-D-141 PED/Construction, UPF Y-12, Oak Ridge, TN	340,000	340,000
04-D-125 Chemistry and metallurgy facility replacement project, Los Ala	0	100,000
Total, Construction	450,134	550,134
Total, Readiness in technical base and facilities	2,239,828	2,339,828
Secure transportation asset		
Operations and equipment	114,965	114,965
Program direction	104,396	104,396
Total, Secure transportation asset	219,361	219,361
Nuclear counterterrorism incident response	247,552	247,552
Site stewardship		
Operations and maintenance	90,001	72,639
Total, Site stewardship	90,001	72,639
Defense nuclear security		
Operations and maintenance	643,285	643,285
NNSA CIO activities	155,022	155,022
Legacy contractor pensions	185,000	185,000
National security applications	18,248	18,248
Subtotal, Weapons activities	7,577,341	7,900,979
Total, Weapons Activities	7,577,341	7,900,979
Defense Nuclear Nonproliferation		
Nonproliferation and verification R&D		
Operations and maintenance	548,186	548,186
Nonproliferation and international security	150,119	150,119
International nuclear materials protection and cooperation	311,000	311,000
Fissile materials disposition		
U.S. surplus fissile materials disposition		
Operations and maintenance		
U.S. plutonium disposition	498,979	498,979
U.S. uranium disposition	29,736	29,736
Total, Operations and maintenance	528,715	528,715
Construction:		
99-D-143 Mixed oxide fuel fabrication facility, Savannah River, SC	388,802	388,802
Total, Construction	388,802	388,802
Total, U.S. surplus fissile materials disposition	917,517	917,517
Russian surplus fissile materials disposition	3,788	3,788
Total, Fissile materials disposition	921,305	921,305
Global threat reduction initiative	466,021	493,021
Legacy contractor pensions	62,000	62,000
Total, Defense Nuclear Nonproliferation	2,458,631	2,485,631

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY2013 Request	House Authorized
Naval Reactors		
Naval reactors development	418,072	418,072
Ohio replacement reactor systems development	89,700	186,700
S8G Prototype refueling	121,100	121,100
Naval reactors operations and infrastructure	366,961	366,961
Construction:		
13-D-905 Remote-handled low-level waste facility, INL	8,890	8,890
13-D-904 KS Radiological work and storage building, KSO	2,000	2,000
13-D-903, KS Prototype Staff Building, KSO	14,000	14,000
10-D-903, Security upgrades, KAPL	19,000	19,000
08-D-190 Expedited Core Facility M-290 recovering discharge station, Nav	5,700	5,700
Total, Construction	49,590	49,590
Program direction	43,212	45,212
Subtotal, Naval Reactors	1,088,635	1,187,635
Adjustments:		
Rescission of prior year balances	0	0
Total, Naval Reactors	1,088,635	1,187,635
Office Of The Administrator		
Office of the administrator	411,279	363,279
Total, Office Of The Administrator	411,279	363,279
Defense Environmental Cleanup		
Closure sites:		
Closure sites administration	1,990	1,990
Hanford site:		
River corridor and other cleanup operations	389,347	389,347
Central plateau remediation	558,820	558,820
Richland community and regulatory support	15,156	15,156
Total, Hanford site	963,323	963,323
Idaho National Laboratory:		
Idaho cleanup and waste disposition	396,607	396,607
Idaho community and regulatory support	3,000	3,000
Total, Idaho National Laboratory	399,607	399,607
NNSA sites		
Lawrence Livermore National Laboratory	1,484	1,484
Nuclear facility D & D Separations Process Research Unit	24,000	24,000
Nevada	64,641	64,641
Sandia National Laboratories	5,000	5,000
Los Alamos National Laboratory	239,143	239,143
Total, NNSA sites and Nevada off-sites	334,268	334,268
Oak Ridge Reservation:		
Building 3019	67,525	67,525
OR cleanup and disposition	109,470	109,470
OR reservation community and regulatory support	4,500	4,500
Total, Oak Ridge Reservation	181,495	181,495
Office of River Protection:		
Waste treatment and immobilization plant		
01-D-416 A-E/ORP-0060 / Major construction	690,000	690,000
Tank farm activities		
Rad liquid tank waste stabilization and disposition	482,113	482,113
Total, Office of River protection	1,172,113	1,172,113
Savannah River sites:		
Savannah River risk management operations	444,089	444,089
SR community and regulatory support	16,584	16,584
Radioactive liquid tank waste:		
Radioactive liquid tank waste stabilization and disposition	698,294	698,294

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY2013 Request	House Authorized
Construction:		
05-D-405 Salt waste processing facility, Savannah River	22,549	22,549
Total, Radioactive liquid tank waste	720,843	720,843
Total, Savannah River site	1,181,516	1,181,516
Waste Isolation Pilot Plant		
Waste isolation pilot plant	198,010	198,010
Total, Waste Isolation Pilot Plant	198,010	198,010
Program direction	323,504	323,504
Program support	18,279	18,279
Safeguards and Security:		
Oak Ridge Reservation	18,817	18,817
Paducah	8,909	8,909
Portsmouth	8,578	8,578
Richland/Hanford Site	71,746	71,746
Savannah River Site	121,977	121,977
Waste Isolation Pilot Project	4,977	4,977
West Valley	2,015	2,015
Total, Safeguards and Security	237,019	237,019
Technology development	20,000	30,000
Uranium enrichment D&D fund contribution	463,000	463,000
Subtotal, Defense environmental cleanup	5,494,124	5,504,124
Adjustments		
Use of prior year balances	-12,123	-12,123
Use of unobligated balances	-10,000	-10,000
Total, Adjustments	-22,123	-22,123
Total, Defense Environmental Cleanup	5,472,001	5,482,001
Other Defense Activities		
Health, safety and security		
Health, safety and security	139,325	139,325
Program direction	106,175	106,175
Undistributed adjustment		-50,000
Total, Health, safety and security	245,500	195,500
Specialized security activities	188,619	188,619
Office of Legacy Management		
Legacy management	164,477	164,477
Program direction	13,469	13,469
Total, Office of Legacy Management	177,946	177,946
Defense-related activities		
Defense related administrative support	118,836	118,836
Office of hearings and appeals	4,801	4,801
Subtotal, Other defense activities	735,702	685,702
Total, Other Defense Activities	735,702	685,702

Passed the House of Representatives May 18, 2012.

Attest:

KAREN L. HAAS,

Clerk.